



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**PREVENTING ESCALATION IN THE SOUTH CHINA  
SEA DISPUTED WATERS: A COMPARATIVE STUDY  
OF REPUBLIC OF THE PHILIPPINES AND SOCIALIST  
REPUBLIC OF VIETNAM**

by

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AND SOCIALIST REPUBLIC OF VIETNAM**

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## **ABSTRACT**

The South China Sea is one of the maritime hot spots in the world and perhaps accounts for more clashes than other disputed waters, due to the abundance of the natural resources that can fulfill the region's rising demand of energy and food. Six countries currently claim some or the whole part of the South China Sea: Brunei, China, Malaysia, the Philippines, Taiwan, and Vietnam, all with overlapping claims.

Although the South China Sea claimant countries have clashes with each other, the close proximity of the Philippines and Vietnam to China has contributed the greatest number of clashes. The modernization of naval forces in the region, combined with the increasing frequency and seriousness of these clashes, suggests that they may escalate to the level of military conflict.

However, in almost every case, the vessels involved are civilian, not military. Without coordination and control between those agencies and naval forces from each country, there is a risk that those incidents could still escalate into military conflict. This condition highlights the importance of civil-military relations; in particular, effective coordination between civil and military agencies within each country, and between the civilian and military agencies of each party in the dispute.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

ADMM	ASEAN Defense Ministers Meeting
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
CIMIC	Civil-Military Cooperation
CORPAT	Coordinated Patrol
CUES	Code for Unplanned Encounters at Sea
DOC	Declaration on the Conduct of Parties in the South China Sea
EEZ	Exclusive Economic Zone
HA/DR	Humanitarian Assistance and Disaster Relief
INCSEA	Prevention of Incidents on and over the High Seas
MLE	Maritime Law Enforcement
NATO	North Atlantic Treaty Organization
PCG	Philippine Coast Guard
PLA	People's Liberation Army
PLAN	People's Liberation Army Navy
PN	Philippine Navy
UNCLOS	United Nations Convention of the Law on the Sea
VCG	Vietnam Coast Guard
VPN	Vietnam People's Navy
WPNS	Western Pacific Naval Symposium

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# **I. INTRODUCTION**

## **A. MAJOR RESEARCH QUESTION**

The South China Sea, which encompasses three island groups—the Pratas, Paracel, and Spratly—and the Scarborough Shoal, is one of the maritime hot spots in the world and perhaps accounts for more clashes than other disputed waters, due to the abundance of untapped oil and gas reserves, fisheries, and other minerals in its surrounding waters. Six countries currently claim some or the whole part of the South China Sea: Negara Brunei Darussalam (Brunei), People’s Republic of China (China), Malaysia, Republic of the Philippines (the Philippines), the Republic of China (Taiwan), and Socialist Republic of Vietnam (Vietnam), all with overlapping claims.<sup>1</sup>

Although countries around the South China Sea have agreed to resolve their disputes peacefully through the series of negotiations that culminated in the signing of the “Declaration on the Conduct of Parties in the South China Sea” (DoC) in 2002, the resolution of the problem is difficult, if not impossible.<sup>2</sup> To begin with, there are different perspectives in asserting rights: United Nations Convention of the Law on the Sea (UNCLOS), historical claims, or a combination of both. The regional economy and population growth have further raised the competition among the claimants to secure the energy and fisheries sources in the South China Sea; if not properly managed, the disputes may escalate. Actually, according to statistics, since the signing of the DoC in 2002, the number of skirmishes over the South China Sea disputes is rising. Those clashes involve civilian forces, such as vessels belonging to the coast guards and fisheries

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<sup>1</sup> Some argue that the Republic of China (Taiwan) is not a country because it does not have a seat in the United Nations (UN).

<sup>2</sup> “Declaration on the Conduct of Parties in the South China Sea,” adopted by the Foreign Ministers of ASEAN and the People’s Republic of China at the 8th ASEAN Summit in Phnom Penh, Cambodia, November 4, 2002, <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>.

protection agencies, and a combination of civilian and military forces.<sup>3</sup> Most current skirmishes involve those belonging to the Philippines and Vietnam, as well as China, ranging from ship ramming to warning shots.<sup>4</sup> In almost every case, the vessels involved are civilian, not military. Nevertheless, modernization of naval forces in the region, combined with the increasing frequency and seriousness of these clashes, suggests that they may escalate to the level of military conflict. Without coordination and control between those agencies and naval forces from each country, there is a risk that those incidents could escalate into military conflict. For example, the latest ramming incident involves Vietnam and China Coast Guard ships; both are civilian agencies, but they are backed by naval vessels that may get involved.<sup>5</sup>

The high possibility of escalation in the disputed South China Sea highlights the importance of civil-military relations; in particular, building effective security institutions, for which one requirement is developing civil-military coordination and cooperation for regional security.<sup>6</sup> The premise of this thesis is that conflict management requires effective coordination between civil and military agencies within each country, and between the civilian and military agencies of each party to the dispute. This thesis will examine the relations between civilian and military agencies that are responsible for enforcing the rights that Vietnam and the Philippines claim in the South China Sea. This thesis will attempt to answer the question of whether or not a lack of (or limited) civil-military cooperation—domestically and internationally—has contributed to the recent conflicts. The thesis will try to identify the implications of avoiding the escalation of these disputes at the domestic and international levels.

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<sup>3</sup> The term of clash in this thesis refers to a direct engagement between two or more claimant countries' maritime units. For instance, it may include incidents of ship ramming, water hosing, threatening to use force, warning shots, and other harassing methods with the aim to prevent the other party from entering into a disputed area. The detailed analysis of empirical data will be presented in Chapter IV of this thesis.

<sup>4</sup> "South China Sea Timeline," *Deutsche Welle*, last updated October 4, 2013, <http://www.dw.de/south-china-sea-timeline/a-16732585>.

<sup>5</sup> Ridzwan Rahmat, "China and Vietnam Square Off in SCS over Oil Rig," *Jane's Defense Weekly* 51, no. 20 (May 14, 2014): 16.

<sup>6</sup> The civil-military relations that may be applicable in this regards are civilian control over military and its effectiveness. The effectiveness encompasses coordination, resources, and process/ structure.

## **B. SIGNIFICANCE OF THE RESEARCH QUESTION**

There are many studies on China's claim to the South China Sea, but fewer studies about the other countries' claims. In addition, there are no official mechanisms for cooperation among claimants' civilian and military maritime forces in the South China Sea, and there are few studies of how the lack of civil-military cooperation may contribute to the escalation. This thesis will attempt to complete the existing literature. It will provide an analysis of the two major players: the Philippines and Vietnam. Both countries have overlapping claims to the Spratly Islands on the South China Sea and significant presence in the disputed waters. It will also link the escalation of conflict with the civil-military relations realm.

The probability of escalation in the South China Sea conflicts becomes a concern for many countries, especially in the region. On the one hand, since most regional trade is transported by sea, any escalation of the conflict may affect non-claimant countries that depend on free navigation such as Australia, Indonesia, Japan, Republic of Korea, Singapore, Thailand, and the United States. On the other hand, the potential of conflict may not be limited to the claimant countries only. For instance, even though the United States promotes and favors a peaceful resolution in the South China Sea disputes, its defense treaty with the Philippines may drag it into an unexpected conflict with China.<sup>7</sup>

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<sup>7</sup> Bonnie S. Glaser, *Armed Clash in the South China Sea* (Contingency Planning Memorandum No. 14) (New York: Council on Foreign Relations, April 2012), 4, [http://i.cfr.org/content/publications/attachments/CPA\\_contingencymemo\\_14.pdf](http://i.cfr.org/content/publications/attachments/CPA_contingencymemo_14.pdf).

## **C. LITERATURE REVIEW**

This section reviews the literature on four topics that are critical to the thesis: the danger of escalation, conceptual frameworks regarding civil-military cooperation, the role of civilian and military maritime forces in the South China Sea, and cooperation in different regions that could be models for solutions in the South China Sea.

### **1. The Danger of Escalation in the South China Sea**

The South China Sea disputes are very difficult to solve; there are large differences among countries in justifying their claims and the Association of Southeast Asian Nations (ASEAN) has not been able to prevent conflicts between its members and China. Therefore, many analysts are concerned that the disputes can lead to open conflict.

David Scott explains the complexity of finding a peaceful resolution in the South China Sea, because of the different bases of countries' claims (see Figure 1). Brunei, Malaysia, the Philippines, and Vietnam base their claims on the interpretation of the land boundaries drawn by colonial powers' documents and the UNCLOS. While China and Taiwan both have identical claims, they have based their claims on historical evidence that dates back to ancient times and on the UNCLOS. From all the claimants, Brunei is the only country that does not claim sovereignty over territory in the South China Sea; it only claims rights to its Economic Exclusive Zone (EEZ).<sup>8</sup> The proximity of the Philippines, China, and Vietnam makes the probability of clashes among those countries higher than with other claimants.

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<sup>8</sup> David Scott, "Conflict Irresolution in the South China Sea," *Asian Survey* 52, no. 6 (November/December 2012), 1034, <http://www.jstor.org/stable/10.1525/as.2012.52.6.1019>.



Figure 1. Overlapping Claims in the South China Sea<sup>9</sup>

J. N. Mak argues that the ASEAN Treaty of Amity and Cooperation in the Southeast Asia (TAC), which promotes peaceful resolutions of disputes among member countries, cannot prevent clashes in the South China Sea because it only works for land territorial disputes. The ASEAN member countries are comfortable with land boundaries

<sup>9</sup> David Rosenberg, ed., "Sovereignty Claims and Agreements in the South China Sea-US DoD, 2012," (map), The South China Sea, Asian Studies Virtual Library, accessed February 10, 2015, [http://www.southchinasea.org/files/2013/03/Sovereignty-claims in the south china sea-US-DoD-2012.png](http://www.southchinasea.org/files/2013/03/Sovereignty-claims%20in%20the%20south%20china%20sea-US-DoD-2012.png).

drawn by colonial powers, but there are no such clear lines on the sea. Therefore, the maritime boundaries are still contested and even become militarized by claimant countries, complicating the resolutions.<sup>10</sup>

Despite the increasing clashes, Sheldon W. Simon points out that the South China Sea disputes are often overshadowed by the situation in the Korean Peninsula and Taiwan Strait; he argues that it may lead to a conflict, especially after the recent growing tensions.<sup>11</sup> According to Bruce Russett and John Oneal, the militarized disputes are 30 times more likely to become open conflict than common wars; they usually start from the exchange of warning and rhetoric.<sup>12</sup> Contrary to their view that government intentionally starts conflict, the maritime disputes may escalate unintentionally.<sup>13</sup> Operational commanders may react toward another party's units that already crossed the line or defied an accepted norm, according to the country's interpretation of vague definitions of hostile intent and hostile acts. The current trend of building up a presence in the disputed areas and persistent clashes between operational units are possible precursors to escalation.

## **2. Conceptual Frameworks Regarding Civil–Military Cooperation**

Literature on civil–military cooperation places it in the realm of civil–military relations. Florina Cristiana Matei argues that civil-military relations involve a trinity of democratic civilian control, effectiveness, and efficiency of the security forces (military, police, and intelligence).<sup>14</sup> In the maritime context, where there is no direct threat of praetorianism or a coup d'état, ensuring that the various maritime civilian and military

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<sup>10</sup> J. N. Mak, "Sovereignty in ASEAN and the Problem of Maritime Cooperation in the South China Sea," in *Security and International Politics in the South China Sea*, eds. Sam Bateman and Ralf Emmers (Oxon, UK: Routledge, 2009), 110–112.

<sup>11</sup> Sheldon W. Simon, "Conflict and Diplomacy in the South China Sea: The View from Washington," *Asian Survey* 52, no. 6 (November/December 2012), 995, <http://www.jstor.org/stable/10.1525/as.2012.52.6.995>.

<sup>12</sup> Bruce Russett and John Oneal, *Triangulating Peace: Democracy, Interdependence, and International Organizations* (New York: W.W. Norton & Company, 2001), 94.

<sup>13</sup> *Ibid.*, 95.

<sup>14</sup> Florina Cristiana Matei, "A New Conceptualization of Civil–Military Relations," *The Routledge Handbook of Civil–Military Relations*, ed. Thomas Bruneau and Cristiana Matei (London: Routledge, 2012), 26.



agencies are able to operate together effectively in the disputed area is the priority. Any deviation from the national policy because of any reason may provoke other claimants and may bring dire consequences. Therefore, with the various maritime agencies involved in the disputed areas, focusing on the effectiveness is more appropriate. Matei argues that there are three effectiveness requirements: plan; interagency institutions, structure, and process, to include interagency coordination and cooperation, both at domestic and international levels; and resources.<sup>15</sup> In terms of Matei's framework, each claimant needs to create a national maritime doctrine or strategy jointly promulgated by all stakeholders; to have a coordinating body for managing inter-agency cooperation, domestically and internationally; and to assign resources to the security forces, which can be in the form of equipment such as communication devices or human capital such as professional personnel. The biggest challenge is to make all agencies work together and set aside rivalries among them.

### **3. Different Scholarly Works Define Civil–Military Cooperation**

A different body of literature deals with the relevance of Civil-Military Cooperation (CIMIC) in international operations. The North Atlantic Treaty Organization (NATO) doctrine of the CIMIC highlighted the importance of cooperation between military and civilian agencies, incorporating national and international actors.<sup>16</sup> The change of operational environment and the spectrum of threats have placed civilian and military organizations in the overlapping responsibilities in such a way that they need to cooperate in order to achieve success.<sup>17</sup> The doctrine provides some framework in conflict prevention and crisis management.

Thomas R. Mockaitis elaborates on the complexity of operational environments and various actors involved in the CIMIC through his case studies of NATO's experience

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<sup>15</sup> Ibid. Thus, Matei's framework directly links civil–military cooperation and coordination with the civil–military relations framework.

<sup>16</sup> AJP-9 NATO Civil-Military Cooperation (CIMIC) Doctrine (June 2003), 1-1, <http://www.nato.int/ims/docu/AJP-9.pdf>.

<sup>17</sup> Ibid., 2-1.

in Kosovo.<sup>18</sup> He explains the significance and challenges of civil-military cooperation during NATO's Kosovo operation.<sup>19</sup> Similar to the NATO approach, Pascu Furnica proposes the European Security Institutions' civil-military relations in peace operations in order to overcome the differences among agencies.<sup>20</sup>

Other bodies of literature note the challenges to civil-military cooperation. Volker Franke describes the difficulties in civil-military cooperation such as the cultural, organizational, operational, and normative differences among those agencies.<sup>21</sup> He proposes a solution to the dilemma by identifying factors that affect civil-military cooperation.<sup>22</sup> Franke identifies various civilian actors in civil-military cooperation, such as "international organizations (IOs), including UN agencies, or international, regional, or local non-governmental organizations (NGOs)."<sup>23</sup> Furthermore, he concludes that the military's main role in the CIMIC is to provide security to aid and civil institutions.<sup>24</sup> He also points out that there are difficulties: there are limited opportunities to train civilians and military in the CIMIC, and they have different procedures and organizational cultures.<sup>25</sup>

Although Franke discusses CIMIC in the stability operations context, the same problems arise in other civil-military cooperation in the maritime realm. Hence, the specialization of each agency ultimately will contribute to the mission's success, provided they can resolve the differences, especially regarding the leading and supporting agency.

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<sup>18</sup> Thomas R. Mockaitis, *Civil-Military Cooperation in Peace Operations: The Case of Kosovo* (Carlisle Barracks, PA: Strategic Studies Institute, U.S. Army War College, October 2004), v, <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub583.pdf>.

<sup>19</sup> Ibid.

<sup>20</sup> Pascu Furnica, "Civil-Military Relations in European Security Institutions—Challenges of Multi-Institutionality in Peace Operations" (Master's thesis, Naval Postgraduate School, 2007).

<sup>21</sup> Volker Franke, "The Peacebuilding Dilemma: Civil-Military Cooperation in Stability Operations," *International Journal of Peace Studies* 11, no. 2 (Autumn/Winter 2006), 9–17, [www.gmu.edu/academic/ijps/vol11\\_2/11n2FRANKE.pdf](http://www.gmu.edu/academic/ijps/vol11_2/11n2FRANKE.pdf).

<sup>22</sup> Ibid.

<sup>23</sup> Ibid., 9.

<sup>24</sup> Ibid., 9–10.

<sup>25</sup> Ibid., 7–8.

#### 4. Civil–Military Maritime Agencies Cooperation

Maritime cooperation is not a new concept and it has been adopted since the Cold War era. However, it is mainly with the same type of agencies, such as military or civilian, and it is not always successful. Therefore, there are proposals to expand the cooperation into multi-agencies.

Glaser explains some kinds of the maritime cooperation that was intended to ease tension and prevent escalation, such as the Incidents at Sea Agreement (INCSEA) between the United States and the Soviet Union that was promulgated in 1988. Although there were some difficulties in implementation, the communication between potential belligerents proved successful in decreasing the probability of escalation.<sup>26</sup>

Glaser also proposes cooperation modelled after the North Pacific Coast Guard Forum (NPCGF), initiated by the Japan Coast Guard (JCG) to enhance interoperability among coast guards.<sup>27</sup> Focusing on sharing information, law enforcement, and safety of navigation, the forum currently consists of six member countries: Canada, China, Japan, Korea, Russia, and the United States.<sup>28</sup>

There are some examples of maritime cooperation among countries that share maritime boundaries, but it doesn't seem to work very well in contested areas. For example, the Coordinated Patrol (Corpat) conducted in the Strait of Malacca between Indonesian and Malaysian navies has been successful in reducing illegal activities near both countries' agreed-upon maritime border. Nevertheless, when it comes to the overlapping of Indonesia's EEZ and Malaysia's continental shelf claim in the area, some minor incidents still happen, as in the case of a Malaysian helicopter intervention when an Indonesian Ministry of Fisheries Affairs ship apprehended two Malaysian fishing boats.<sup>29</sup> However, more serious incidents such as ship ramming and threats to use force

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<sup>26</sup> Glaser, *Armed Clash*, 4.

<sup>27</sup> Ibid.; "North Pacific Coast Guard Agencies Forum," *Canadian Coast Guard*, last modified June 24, 2013, <http://www.ccg-gcc.gc.ca/e0007869>.

<sup>28</sup> "North Pacific Coast Guard Agencies Forum," *Canadian Coast Guard*.

<sup>29</sup> I Made Andi Arsana, "Understanding the Malacca Strait Incident," *Jakarta Post*, April 14, 2011, <http://www.thejakartapost.com/news/2011/04/14/understanding-malacca-strait-incident.html>.

occurred in Ambalat waters, east of Borneo, where both Indonesia and Malaysia have overlapping territorial claims; only by intensive diplomatic talks and more restrictive rules of engagement was the situation eased.<sup>30</sup>

James Goldrick advocates the Western Pacific Naval Symposium's (WPNS's) Code for Unplanned Encounters at Sea (CUES) to avoid incidents and unnecessary provocations in the disputed areas as it could be used as guidance for inexperienced operational commanders; but the problem is that currently this code only applies to military ships and aircraft.<sup>31</sup> All navies of the South China Sea claimant countries are members of WPNS. If the cooperation could be extended to the various civilian maritime agencies—or placed under a new organization, it could have a great impact on the prevention of escalation in the areas of maritime disputes.

#### **D. POTENTIAL EXPLANATIONS AND HYPOTHESES**

There are many overlapping interests in the South China Sea disputes; therefore, it is very difficult to make a consensus among claimants. While there are talks among the leaders of the claimant countries to resolve disputes without resorting to the use of force, there are still difficulties in implementing solutions in the field, as shown by various skirmishes. The number of maritime agencies operating in the same area, different procedures, professionalism, communication, and the distance from the mainland all contribute to the recent clashes. Nevertheless, we can prevent the escalation of disputes into open conflict and pave the way to a peaceful settlement. Focusing on the effectiveness of the civil-military relations trinity, my hypothesis is that the lack of civil-military cooperation domestically and among claimant states increases the probability of skirmishes and conflict escalation.

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<sup>30</sup> Amir Tejo, "Navy Was Set to Fire on Warship," *Jakarta Globe*, June 4, 2009, <http://www.thejakartaglobe.com/archive/navy-was-set-to-fire-on-warship/277953/>; "Malaysian Navy Chief Apologizes for Actions in Ambalat," *Jakarta Post*, June 10, 2009, <http://www.thejakartapost.com/news/2009/06/10/malaysian-navy-chief-apologizes-actions-ambalat.html>.

<sup>31</sup> James Goldrick, "Cue Co-operation? Pacific Naval Code Aims to Improve Collaboration at Sea," *Jane's Defense Weekly* 51, no. 21 (May 21, 2014), 24–25.

## **E. RESEARCH DESIGN**

I will compare the Philippines and Vietnam to analyze the proposed thesis question because they are the two most prominent actors in the South China Sea disputes besides China. I will not discuss other claimants in depth because of the relatively few incidents involving those countries and the limitation of research.

I am interested in comparing the cooperation of various civilian and military maritime agencies in the Philippines and Vietnam because most of the recent skirmishes in the South China Sea involve both countries' vessels. China is included in the domestic civilian and military maritime agencies' comparison because it is the central actor in the disputes. China's claim is the biggest among other countries, as it encompasses almost the whole South China Sea. Its maritime assets also account for most clashes with other claimants. This thesis will compare effectiveness of the civilian and military maritime agency cooperation in those three countries, and whether the findings can make a difference in the prevention of escalation.

The thesis will also address the cooperation of various international civilian and military maritime agencies in the region. The discussion will show how those organizations may—or may not—contribute to conflict prevention in the South China Sea, such as by providing a forum for more interaction among claimant countries.

In order to investigate the nature of the clashes in the South China Sea, the thesis will provide some background about the conflict and compare chronological skirmish data from the signing of the DoC in 2002 until the present. I will analyze the data on clashes from trusted reports only. It will show the claimant countries' tendencies to deploy more of their civilian maritime agencies to the disputed waters, partly as an effort to limit the probability of escalation.

The research will be derived mainly from literature such as official government documents, laws and regulations, public documents, and any other written reputable sources. In addition, being familiar with the operational environment in the region, I will include my empirical experiences as well.

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## **II. COMPARISON OF DOMESTIC CIVILIAN AND MILITARY MARITIME AGENCY COOPERATION**

### **A. INTRODUCTION**

As previously noted, this thesis focuses on the effectiveness of cooperation between the Philippines and Vietnam's civilian and military maritime agencies. It posits that if those countries cooperate effectively on the domestic level, then they will likely cooperate better with other claimants and, consequently, there will be a lower probability of escalation. Inevitably, China will be included in the comparison because of its proximity and assertiveness that account for the most clashes with the Philippines and Vietnam.

The South China Sea disputes involve a distinctive maritime context for civil-military relations. Unlike in mainstream civil-military relations, which concern the relationships between the two types of organizations within one country, in the maritime environment disputes tend to involve agencies between different countries. Because there are no inhabitants in the disputed South China Sea, except the garrisoned troops, conflicts occur almost exclusively among the various civilian and military maritime agencies from different claimant countries. The attempt to enforce national law against foreign fishing boats or research vessels in the disputed areas also often leads to conflict with the civilian and military maritime agencies that back them. This chapter will compare the cooperation of civilian and military maritime agencies in the Philippines, Vietnam, and China through three components of effectiveness: plan; interagency institutions, structure, and process; and resources, following by a qualitative comparative analysis.

### **B. THE PHILIPPINES**

The Philippines is unique among other South China Sea claimants because it has a formal defense treaty with a great power. The 1951 Mutual Defense Treaty with the United States theoretically places the balance of power in the Philippines' favor,

especially against China.<sup>32</sup> However, the treaty might not be applicable in the disputed area.<sup>33</sup> For simplicity and fairness of comparison, only the Philippines' aspects are discussed. The Philippines is currently building both the Philippine Navy (PN) and the Philippine Coast Guard (PCG) capabilities, because most of their assets are obsolete, and some even date back to the World War II era.<sup>34</sup> However, lack of funding and support makes the implementation of the plan according to the timeline difficult; even the Philippines' defense secretary expressed his pessimism in 2011.<sup>35</sup>

## **1. The Philippine Navy**

The PN consists of the Fleet and Marine Corps. In the South China Sea, specifically, the Fleet mainly deals with the maritime law enforcement role, while the Marines garrison the islands. Other than activities in the disputed areas, most of the time, the Navy is conducting internal security operations against insurgent groups in the Southern Philippines.<sup>36</sup> The PN is comprised of six regional commands: the Naval Forces North, Central, South, West, Western Mindanao, and Eastern Mindanao.<sup>37</sup> However, the Marines are concentrated in the Mindanao and Palawan islands since the priority of the government is focused on counter insurgencies.<sup>38</sup> With limited external threat priorities other than asserting sovereignty claims in the South China Sea (or West Philippine Sea), the Navy is still focusing on the constabulary or law enforcement roles, such as anti-

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<sup>32</sup> Timo Kivimäki, Liselotte Odgaard, and Stein Tønnesson, "What Could Be Done?" in *War or Peace in the South China Sea?*, ed. Timo Kivimäki (Copenhagen: NIAS Press, 2002), 140.

<sup>33</sup> Ibid.

<sup>34</sup> Bjørn Møller, "The Military Aspects of the Disputes," in *War or Peace in the South China Sea?*, ed. Timo Kivimäki (Copenhagen: NIAS Press, 2002), 72.

<sup>35</sup> "Armed Forces, Philippines," *Jane's Sentinel Security Assessment–Southeast Asia*, December 3, 2014, 8, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305078>.

<sup>36</sup> Delex Maritime Analysis Center (DMAC), *Maritime Domain Awareness in the Philippines: Challenges and Prospects*, September 2013, 8, <http://www.delex.com/data/files/DMAC%20Research%20Study%201%20%28Philippines%29.pdf>.

<sup>37</sup> "Navy, Philippines," *Jane's Sentinel Security Assessment–Southeast Asia*, September 1, 2014, 6, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305082>.

<sup>38</sup> Ibid.



smuggling, and anti-illegal fishing, which are supposedly the main business of the PCG.<sup>39</sup>

## **2. The Philippine Coast Guard**

Established in 2009, the PCG is a civilian maritime law enforcement agency under the Department of Transportation and Communications.<sup>40</sup> Following the United States' practice, the PCG is responsible for maritime safety, protection, and law enforcement, leaving maritime defense to the Navy. In wartime, it is attached to the Department of National Defense (DND).<sup>41</sup> The PCG also established a close relationship with its Japanese counterpart and has obtained training and equipment supports in response to China's increased activity in the South China Sea.<sup>42</sup>

## **3. The National Coast Watch System**

In order to rectify problems in coordinating various maritime agencies, the Philippines government established the National Coast Watch System (NCWS) in 2011 with Presidential Executive Order (EO) 57 as the umbrella of the Philippines maritime stakeholder cooperation. Starting in 2008 with assistance from Australia, the Coast Watch South—as the embryo of the NCWS—was originally focused on providing Maritime Domain Awareness (MDA) in the troubled Southern Philippine area of Mindanao. The NCWS is composed of multiple agencies that attempt to address the Philippines' maritime security under the National Coast Watch Council. The Council is composed of stakeholders in maritime security issues: “the Secretaries of Transportation and Communications, National Defense, Foreign Affairs, Interior Justice, Energy,

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<sup>39</sup> DMAC, *Maritime Domain Awareness in the Philippines*, 8.

<sup>40</sup> “Philippine Coast Guard Law of 2009,” Department of Transportation and Communications of Republic of the Philippines, [http://www.coastguard.gov.ph/images/philcoastguard/IRR-RA\\_9993.pdf](http://www.coastguard.gov.ph/images/philcoastguard/IRR-RA_9993.pdf).

<sup>41</sup> Ibid.

<sup>42</sup> Manabu Sasaki and Yoshihiro Makino, “Japan Coast Guard Vessels and Equipment in High Demand in S.E. Asia, Africa,” *Asahi Shimbun*, September 30, 2013, [http://ajw.asahi.com/article/asia/around\\_asia/AJ201309300001](http://ajw.asahi.com/article/asia/around_asia/AJ201309300001).

Finance, Environment and Natural Resources.” In due course, the system was enhanced in 2011 with assistance from the United States.<sup>43</sup>

#### **4. Plan**

The Philippines have several plans for dealing with its maritime security issues. The navy has developed its doctrine through the Sail Plan 2020, as part of the armed forces modernization program.<sup>44</sup> The document emphasizes the shift of naval operations toward external threats.<sup>45</sup> However, the Sail Plan 2020 drawback is perhaps too much focus on external threats, because it does not explain how the Navy will cooperate with civilian maritime agencies such as the PCG or Maritime Group of the PNP.<sup>46</sup> In terms of cooperation with other maritime agencies or the Navy, the Coast Guard Law of 2009 does state that “the PCG shall continue to develop and maintain inter-operability with other armed and uniformed services.”<sup>47</sup> However, how the PCG should implement the law mandates is not clearly explained. This situation contributes to the difficulties in maritime interagency cooperation in the Philippines. In order to implement the inter-agency maritime cooperation plan, both the Navy and the PCG need to establish their own organizations before they can effectively conduct any joint engagements.

#### **5. Interagency Institutions, Structures, and Process**

Appreciating all the Philippines’ difficulties in enforcing law and maintaining order in its waters, the establishment of the NCWS is crucial to amalgamate various maritime related stakeholders. The NCWS provides the umbrella for multi-agency cooperation, from not only the law enforcement agencies such as the PN, the PNP, the

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<sup>43</sup> DMAC, *Maritime Domain Awareness in the Philippines*, 5–6, 18–20.

<sup>44</sup> “Navy, Philippines,” *Jane’s Sentinel Security Assessment–Southeast Asia*, September 1, 2014, 2, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305082>; “Armed Forces, Philippines,” *Jane’s Sentinel Security Assessment–Southeast Asia*, December 3, 2014, 7, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305078>.

<sup>45</sup> Ibid.

<sup>46</sup> Philippine Navy, *The Philippine Navy Strategic Sail Plan 2020*, accessed December 6, 2014, <http://www.ncmis.org/index.php/naval-reserve-commands/headquarters-naval-reserve-command/nr5/182-the-philippine-navy-strategic-sail-plan-2020>.

<sup>47</sup> “The Philippine Coast Guard Law of 2009,” Republic of the Philippines, April 19, 2011, Rule 2.2.

PNP Maritime Group, and the PCG, but from the service sectors such as the Maritime Industry Authority (Marina) and the Philippines Port Authority (PPA). The NCWS incorporates the whole archipelago but does not include the disputed area in the South China Sea (see Figure 2).<sup>48</sup>

All related maritime stakeholders' resources are pooled in the NCWS.<sup>49</sup> The NCW Council then coordinates the country's various maritime agencies.<sup>50</sup> The Navy contributes most to the NCWS, such as surveillance and C2 systems, and patrol vessels/aircrafts, with other agencies' limited contribution, making "the NCWS [still] Navy centric."<sup>51</sup> The Navy personnel are reporting through their chain of command because the NCWS belongs to the PN.<sup>52</sup> However, coordination and communication is still difficult; for example, the PN detachment in the disputed area has to relay messages to its own headquarters in Palawan.<sup>53</sup>

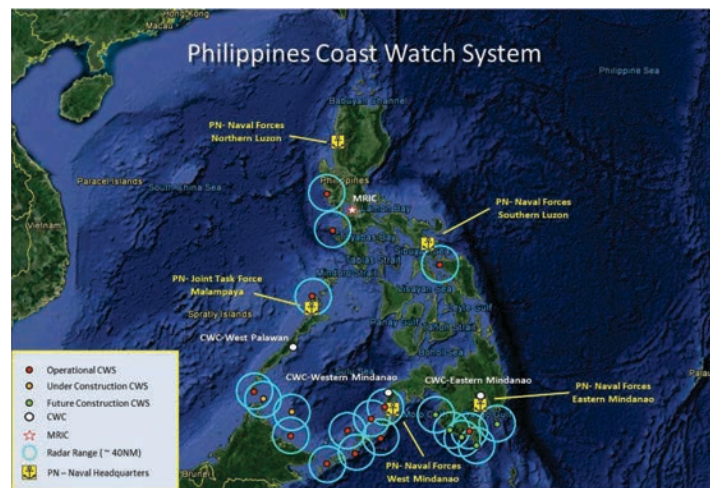


Figure 2. Philippines Coast Watch System<sup>54</sup>

<sup>48</sup> DMAC, *Maritime Domain Awareness in the Philippines*, 18–20, 33–34.

<sup>49</sup> Ibid., 20.

<sup>50</sup> Ibid., 18–19.

<sup>51</sup> Ibid., 20.

<sup>52</sup> Ibid.

<sup>53</sup> Tessa Jamandre, "China fired at Filipino fishermen in Jackson atoll," ABS-CBN, last updated March 6, 2011, <http://www.abs-cbnnews.com/-depth/06/02/11/china-fired-filipino-fishermen-jackson-atoll>.

<sup>54</sup> DMAC, *Maritime Domain Awareness in the Philippines*, 19.

There are still many obstacles before the NCWS could be able to effectively coordinate all agencies. First, inadequate funding and assets mean that the system is difficult to mature beyond the drawing table; it is likely that the Navy is still the main player while other stakeholders' contributions are minimal.<sup>55</sup> Second, consequently, most of the attention is still on the troubled Southern Mindanao and the ports of Manila and Batangas, leaving lower priority areas unguarded.<sup>56</sup> Third, the measurement of effective cooperation among maritime agencies is still problematic because those stakeholders tend to become rivals, especially in the media, perhaps in order to secure the government budget.<sup>57</sup> To conclude, the indecisive and much criticized Philippine government response to the aftermath of Typhoon Haiyan in late 2013 highlights the magnitude of the challenge that the country has; the problem in multiple agency cooperation is not unique to the maritime domain.<sup>58</sup>

## **6. Resources and Professional Norms**

Besides the availability of plan and structure as well as process, each civilian and military maritime agency should have adequate resources on their own before committing to multi-agency cooperation. In general, the resources fall into "equipment, trained forces, and ... assets."<sup>59</sup> On the other hand, professional norms can also contribute to effectiveness.<sup>60</sup> As such, maritime units also have more relative independence than their ground forces counterparts do; it means that all personnel should be trained properly and professionally in order to be able to operate effectively, especially in the disputed South China Sea waters when the chances of engagement with government vessels from other

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<sup>55</sup> Ibid., 20–22.

<sup>56</sup> Ibid., 18, 34.

<sup>57</sup> Ibid., 21–22.

<sup>58</sup> John T. Sidel, "The Philippines in 2013: Disappointment, Disgrace, and Disaster," *Asian Survey* 54, No. 1 (January/ February 2013), 70, <http://www.jstor.org/stable/10.1525/as.2014.54.1.64>.

<sup>59</sup> Florina Cristiana Matei, "A New Conceptualization of Civil–Military Relations," *The Routledge Handbook of Civil–Military Relations*, ed. Thomas Bruneau and Cristiana Matei (London: Routledge, 2012), 32.

<sup>60</sup> Matei acknowledges that professional norms are not just requirements for control but also for effectiveness. See Florina Cristiana Matei, "A New Conceptualization of Civil–Military Relations," *The Routledge Handbook of Civil–Military Relations*, ed. Thomas Bruneau and Cristiana Matei (London: Routledge, 2012).

claimant countries are high. However small it is, any government vessel bears the flag of its respective nation and enjoys sovereign status as guaranteed by international maritime law; therefore, unwise or unprofessional decisions between units from different claimant countries could escalate the tension. Last, all the stakeholders should have adequate assets, in terms of number and sustainability.

Due to the nature of maritime operations, where units operate in a vast area and at a great distance from their headquarters, Command and Control (C2) and surveillance systems are the most important equipment for the PN and the PCG. The Philippines Armed Forces under the Aquino administration have been undergoing modernization through the so-called Capability Upgrade Programme (CUP) since 2010; however, with inadequate funding, the plan seems too ambitious and all services need to adjust their goal.<sup>61</sup> The Navy and civilian telecommunication contractors have been developing the Internet Protocol Virtual Private Network (IP VPN) communication network throughout all naval commands since 2011.<sup>62</sup> The Philippines in early 2014 procured three maritime surveillance radars (originally nine) from Israel and they are expected to be operational in the next few years.<sup>63</sup> It is possible that those three radars will supplement and link with NCWS, which is currently under development with assistance from the government of Australia and the United States.<sup>64</sup> To overcome the coverage limit of land based surveillance radars, the DND plans to acquire six maritime patrol aircrafts (MPAs), which will be operated by the Air Force.<sup>65</sup> On the other hand, as the main civilian maritime agency, the PCG still has inadequate resources to perform maritime law enforcement tasks on its own; overall, the PCG is still dependent on the PN.<sup>66</sup> The PCG currently does not have a dedicated surveillance system and has to reliance on the Navy's

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<sup>61</sup> "Procurement, Philippines," *Jane's Sentinel Security Assessment–Southeast Asia*, last posted September 1, 2014, 2–3, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305084>.

<sup>62</sup> Ibid., 16.

<sup>63</sup> Ibid., 11.

<sup>64</sup> DMAC, *Maritime Domain Awareness in the Philippines*, 18.

<sup>65</sup> "Procurement, Philippines," *Jane's Sentinel Security Assessment – Southeast Asia*, 9.

<sup>66</sup> "Navy, Philippines," *Jane's Sentinel Security Assessment – Southeast Asia*, 22.

radar chain, which constitutes the NCWS.<sup>67</sup> There is little information about the C2 capabilities of the PCG, but it is assumed that the Coast Guard also relies on the Navy's communication network.

The second category is the PN and the PCG trained personnel. The Navy's Sail Plan 2020 does stress the importance of developing its personnel capability.<sup>68</sup> The PN has a lot of opportunity to level up its personnel professionalism through interactions with foreign navies, such as training co-operation with Australia, Canada, and the United States, and various bilateral and multilateral naval exercises.<sup>69</sup> In line with the Armed Forces modernization plan, the Navy is also refining its doctrine, especially "the rules of engagement [and] ... human rights aspects."<sup>70</sup> Following the Navy, the Coast Guard takes the same path in applying the United States' practice. The PCG already has its own training command for the enlisted and an academy for officer candidates.<sup>71</sup> The PCG also establishes cooperation with other maritime stakeholders. For example, some cadets also trained in the Philippine Marine Merchant Academy in order to get the International Maritime Organization (IMO) certificate.<sup>72</sup> However, it is not uncommon in the Armed Forces of the Philippines (AFP) to give a prominent person military rank, a practice that potentially could disrupt professionalism and discipline; for example, the PCG just promoted Manny Pacquiao, a boxer, to the rank of commodore of the Coast Guard from his previous rank of lieutenant colonel of the reserve forces of AFP.<sup>73</sup>

The last category of resources—assets—is perhaps the most overlooked by the government. The maritime forces are not the main priority because of the government's focus on the prolonged counter-insurgency operations. The Navy suffers from a lack of

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<sup>67</sup> Ibid., 19–20.

<sup>68</sup> The Philippine Navy, *The Philippine Navy Strategic Sail Plan 2020*, 10–11.

<sup>69</sup> "Navy, Philippines," *Jane's Sentinel Security Assessment – Southeast Asia*, 9–10.

<sup>70</sup> Ibid., 7.

<sup>71</sup> "Level Up; The Coast Guard Recruitment Program," Philippine Coast Guard website, accessed December 15, 2014, <http://www.coastguard.gov.ph/index.php/careers>.

<sup>72</sup> Ibid.

<sup>73</sup> JB Adalia, "Pacquiao become one-star General; gets honorary rank from Coast Guard," *Kicker Daily News*, December 18, 2014, <http://kickerdaily.com/pacquiao-becomes-one-star-general-gets-honorary-commodore-rank-from-coast-guard/>.

assets.<sup>74</sup> It has numerous ships, but only three ships of the size greater than 1000 GT.”<sup>75</sup> However, many have exceeded their life time and some are of World War II vintage, because inadequate funding makes replacement and maintenance difficult; unsurprisingly, fleet readiness is very low.<sup>76</sup> The newest PN ships, the ex-U.S. Coast Guard cutters, BRP *Gregorio del Pilar* and BRP *Ramon Alcaraz*, have longer endurance and are better equipped than the rest of the fleet; however, they are over 40 years old and the Navy seems to have difficulties in sustaining them, as shown during the standoff with China’s law enforcement vessels in April 2012.<sup>77</sup> The PCG, just like the Navy, also endures insufficient ships and aircrafts.<sup>78</sup> In an effort to overcome budget constraints, the PCG is trying to enhance cooperation with its Japanese counterpart; the Japan Coast Guard (JCG) has been offering assistance in the form of personal protective equipment and patrol vessels.<sup>79</sup>

### C. VIETNAM

Vietnam maintains a close military relationship with Russia, India, and increasingly with European countries.<sup>80</sup> Additionally, defense cooperation with the United States has been restored since 2011 and has been expanding to include maritime security cooperation since 2013.<sup>81</sup> Unlike the Philippines, Vietnam does not have any defense treaty with other countries. Therefore, it has to build up its maritime capabilities

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<sup>74</sup> “Navy, Philippines,” *Jane’s Sentinel Security Assessment – Southeast Asia*, 3.

<sup>75</sup> DMAC, *Maritime Domain Awareness in the Philippines*, 28.

<sup>76</sup> Jane’s reveals that around half of the PN ships are afloat and most are in-operational, see “Navy, Philippines,” *Jane’s Sentinel Security Assessment – Southeast Asia*, 2–3; DMAC, *Maritime Domain Awareness in the Philippines*, 22.

<sup>77</sup> “Navy, Philippines,” *Jane’s Sentinel Security Assessment – Southeast Asia*, 4, 6; DMAC, *Maritime Domain Awareness in the Philippines*, 29.

<sup>78</sup> *Ibid.*, 23.

<sup>79</sup> *Ibid.*, 24; Manabu Sasaki and Yoshihiro Makino, “Japan Coast Guard vessels and equipment in high demand in S.E. Asia, Africa,” *The Asahi Shimbun*, last updated September 30, 2013, [http://ajw.asahi.com/article/asia/around\\_asia/AJ201309300001](http://ajw.asahi.com/article/asia/around_asia/AJ201309300001).

<sup>80</sup> “Armed Forces, Vietnam,” *Jane’s Sentinel Security Assessment–Southeast Asia*, last posted November 4, 2014, 1, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305172>; “Navy, Vietnam,” *Jane’s Sentinel Security Assessment–Southeast Asia*, last posted October 8, 2014, 5, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305175>.

<sup>81</sup> *Ibid.*, 3.



to cope with other claimant countries in the South China Sea. Vietnam employs vessels from the Coast Guard and Fishery Surveillance Force in the South China Sea.<sup>82</sup>

## **1. The Vietnam People's Navy**

The Vietnam People's Navy (VPN) falls under the Armed Forces of Vietnam, or the Vietnam People's Army (VPA).<sup>83</sup> With the increasing tension in Vietnam's maritime claims in the South China Sea, the Navy and Air Force have received more attention than ever before and have started their modernization programs, as explained in the Defence White Paper of 2009.<sup>84</sup> To realize this plan, the government has increased its defense budget, "to about USD 4 Billion in 2014" alone.<sup>85</sup> With a bigger allocated budget than the Philippines to spend in the development of maritime defense and security capabilities, Vietnam has a better chance to provide resources in implementing the plan and fulfilling its maritime command structures.

The VPN is structured into five regional commands, 1<sup>st</sup> to 5<sup>th</sup> Naval Region or Zone 1 to 5 (see Figure 3), where it deploys its fleet, naval infantry (similar to marine corps), and naval aviation.<sup>86</sup> The naval infantry garrisons all the islands and features claimed by Vietnam in the South China Sea and "form[s] the core of the country's rapid reaction" force in those areas.<sup>87</sup> The VPN has two parallel chain-in-command structures, following the VPA practice, the military commander, and the political commissar.<sup>88</sup> The purpose of this unique system is to ensure the military discipline and loyalty to the Communist Party of Vietnam (CPV).<sup>89</sup>

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<sup>82</sup> Sasaki and Makino, "Japan Coast Guard vessels and equipment."

<sup>83</sup> "Armed Forces, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 1.

<sup>84</sup> Ibid., 1–2; *Vietnam National Defence*, Ministry of National Defence (2009), 47.

<sup>85</sup> "Armed Forces, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 2.

<sup>86</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 6; *Vietnam National Defence*, Ministry of National Defence, 73.

<sup>87</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 3.

<sup>88</sup> *Vietnam National Defence*, Ministry of National Defence, 48–51.

<sup>89</sup> Ibid., 91.



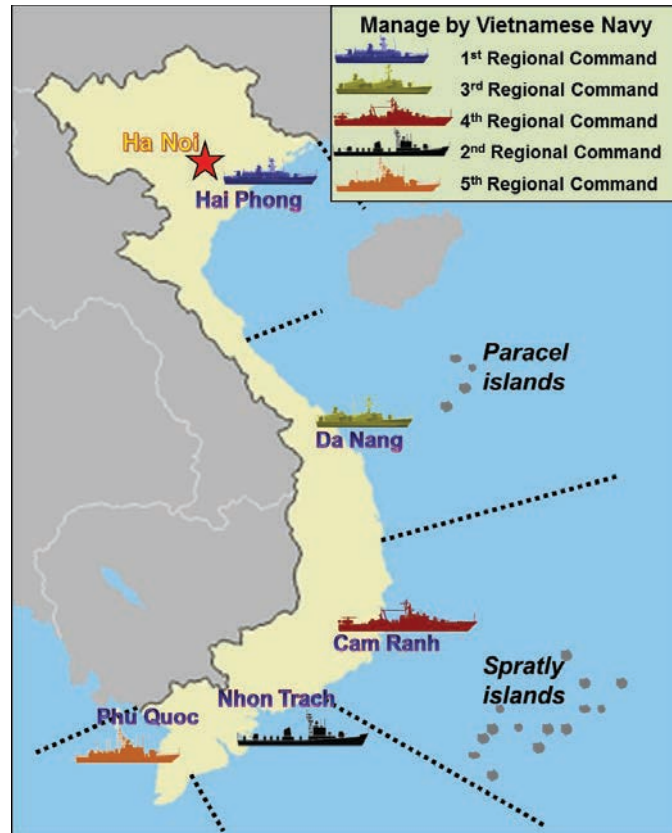


Figure 3. The VPN Regional Commands<sup>90</sup>

However, the VPA still have a limited interoperability among its tri-services: the Army, Navy, and Air Force.<sup>91</sup> The Navy, just like other services, is heavily involved in the society and economy, especially when it is related to the maritime context such as “offshore fishing ... [and] promoting aquaculture activities in the coastal region.”<sup>92</sup> In this regard, the VPN maintains hotlines with its counterparts from “China, Malaysia, the Philippines, and Thailand” to deal with fisheries problems in their maritime boundaries.<sup>93</sup> This practice may hamper effective maritime inter-agency cooperation and further the rivalries among them, as it seems the VPN takes some of the Vietnam’s maritime civilian agencies duties.

<sup>90</sup> The VPN Regional Command, accessed January 13, 2015, [http://upload.wikimedia.org/wikipedia/commons/e/ef/Vietnam\\_Naval\\_Regions.jpg](http://upload.wikimedia.org/wikipedia/commons/e/ef/Vietnam_Naval_Regions.jpg).

<sup>91</sup> “Armed Forces, Vietnam,” *Jane’s Sentinel Security Assessment–Southeast Asia*, 3.

<sup>92</sup> “Navy, Vietnam,” *Jane’s Sentinel Security Assessment–Southeast Asia*, 3–4.

<sup>93</sup> *Ibid.*, 3–4.

## 2. Vietnam Civilian Maritime Agencies

Vietnam has two civilian maritime agencies, the Vietnam Coast Guard (VCG) and Vietnam Directorate of Fisheries.<sup>94</sup> The VCG is the transformation of the Maritime Police in order to be qualified to receive patrol vessels and equipment from the JCG donation.<sup>95</sup> The defense white paper of Vietnam reveals that the Vietnam Coast Guard (also known as Maritime Police/the VMP) is actually one branch of the Vietnam People's Army (VPA) and under the Ministry of National Defense administration.<sup>96</sup> The VCG inherited the VMP infrastructure and assets, but claims it does not have a direct link with the VPA, although it is administratively under the MND.<sup>97</sup> Thus, what seems like *white hulls* are not always pure civilian agencies, as in the VCG case. Currently, the VCG is undergoing an organization reform in order to fulfill the requirement of receiving aid from the JCG.<sup>98</sup> The Coast Guard also has a similar structure of regional command with the Navy (see Figure 4).

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<sup>94</sup> Sasaki and Makino, "Japan Coast Guard vessels and equipment."

<sup>95</sup> Ibid.

<sup>96</sup> "Vietnam National Defence," (Defense White Paper), Ministry of National Defence of the Socialist Republic of Vietnam (Hanoi, December 2009), 57, <http://mod.gov.vn/wps/wcm/connect/caadf77c-2fb4-48c1-8f20-8d3216ad2513/2009eng.pdf?MOD=AJPERES&CACHEID=caadf77c-2fb4-48c1-8f20-8d3216ad2513>.

<sup>97</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 6–7.

<sup>98</sup> Sasaki and Makino, "Japan Coast Guard," Ibid.



Figure 4. The VCG Regional Commands<sup>99</sup>

The policy to enhance civilian maritime agencies seems derived from the VPN's ill-fated experiences when engaged with the stronger People's Liberation Army Navy (PLAN), such as the one in 1988 in Spratly.<sup>100</sup> Jane's Sentinel Security Assessment concludes that the establishment of VCG is an effort by the government of Vietnam to limit tension in the disputed waters.<sup>101</sup> In Vietnam's view, the employment of vessels that belong to the civilian maritime agencies would likely be more flexible and appear more benign without unnecessarily escalating the conflict.

<sup>99</sup> The VCG Regional Commands, accessed January 13, 2015, [http://upload.wikimedia.org/wikipedia/commons/0/06/Vietnam\\_Marine\\_Police\\_regions.jpg](http://upload.wikimedia.org/wikipedia/commons/0/06/Vietnam_Marine_Police_regions.jpg).

<sup>100</sup> Ibid., 4.

<sup>101</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment—Southeast Asia*, 7.

### **3. Plan**

The longstanding disputes between Vietnam and China in the Gulf of Tonkin and the South China Sea over natural resources prompted the government of Vietnam to consolidate all maritime stakeholders in the Maritime Strategy Towards the Year 2020, focusing on the development of maritime capability.<sup>102</sup> This policy then was translated as the modernization plan of the naval forces, including associated infrastructures.<sup>103</sup> The Defence White Paper of 2009 (along with two similar documents since 1998) is currently the formal reference of all services modernization.<sup>104</sup> In parallel with the government of Vietnam's focus on the development of its maritime capabilities, the Navy has priority over other services of the VPA with allocated 2014 budget of USD 706 million.<sup>105</sup> Furthermore, it is important to note that the Navy and Maritime Police (which was transformed into the Vietnam Coast Guard/VCG in October 2013) are under the Ministry of National Defence of Vietnam (MND); this means that both agencies have the same doctrine.<sup>106</sup> However, just as in the case of Philippines, the Vietnam's Defense White Paper does not explain the form of cooperation between those agencies.

### **4. Interagency Institutions, Structure, and Process**

There is no known maritime cooperation at the national level between those under Vietnam civilian agencies and the MND. However, the fact that the Vietnam's Navy and the Coast Guard are under the Ministry of National Defence, unlike the common practice to separate the military and civilian maritime agencies under different ministries, may give an indicator that the VCG is a subordinate to the VPN via the MND. The predecessor of the VCG, the Vietnam Maritime Police (VMP), was responsible for maritime law enforcement within the VPN's regional command.<sup>107</sup> Regarding the Directorate of Fisheries, although they are not under the MND, but given the influence of

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<sup>102</sup> Ibid., 5.

<sup>103</sup> Ibid., 2.

<sup>104</sup> "Armed Forces, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 2.

<sup>105</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, Ibid.

<sup>106</sup> *Vietnam National Defence*, Ministry of National Defence, 109.

<sup>107</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 6–7.

the VPA, it is likely that at least their vessels operate under the influence of the Navy. Both the VCG and the Directorate of Fisheries vessels are deployed in the disputed areas in the South China Sea, enforcing Vietnam's maritime claim and sometimes escorting the country's fishing fleets from other claimants' maritime law enforcement assets.<sup>108</sup> The VPN seems to provide back-up from a distance, following China's practice. However, when Western journalists sailed recently with the VCG patrol vessel, they found out that there were no means of communication between Vietnam's maritime agencies' units operating in the disputed area.<sup>109</sup> It means that maritime operational units operate individually, although there are another agency ships in the same area. Consequently, it relies mostly on the skipper's judgment to avoid escalation in any situation.

## **5. Resources and Professional Norms**

The respective discussions in resources and professional norms are focused on Vietnam's maritime C2 and surveillance equipment, the professionalism of personnel, and the adequate number and readiness of assets belonging to both the VPN and the VCG. The Directorate of Fisheries is not included in the following comparison because it has insignificant resources compared to the VPN and the VCG.

The first category is the equipment of the VPN and the VCG, in the form of maritime C2 and surveillance systems. In line with the Defence White Paper of 2009 and the shift of the government of Vietnam's policy toward securing its maritime claims, the VPN has been undergoing a relatively moderate modernization. Currently, the VPN is developing a "mobile coastal defense system" with Russian assistance.<sup>110</sup> The intention is probably to use the missile system as a force multiplier against China, which has been becoming more powerful than Vietnam (and everyone else in the region). The Navy also expands its aviation in the maritime patrol, utility, and Anti-Submarine Warfare (ASW)

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<sup>108</sup> Euan McKirdy, "Boats and brinksmanship up close in the South China Sea," *CNN*, June 5, 2014, <http://www.cnn.com/2014/06/05/world/asia/vietnam-paracel-reporters-diary/>.

<sup>109</sup> Ibid.

<sup>110</sup> "Procurement, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, last posted October 8, 2014, 9, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305177>.

roles.<sup>111</sup> Both the coastal missile system (especially its surveillance radar and communication network) and naval aviation can theoretically be utilized in enhancing Vietnam's MDA and benefitting civilian maritime agencies as well. With the Navy gradually turning its focus toward maritime defense, the importance of the Coast Guard is becoming more prominent. However, although the VCG inherited all the Maritime Police infrastructure and assets, it still has limited resources. The Coast Guard is lacking the modern C2 and surveillance systems in order to effectively monitor its area of responsibilities. The VCG is likely still depending on the VPN's C2 network, since there is no plan revealed to the public to acquire such a system exclusively for maritime law enforcement purposes. However, if it follows the pattern of the VPA, where there is little interoperability between services, the cooperation in the terms of C2 and surveillance systems—especially in information exchange—remains difficult. Consequently, since 2009, the Coast Guard has been developing its maritime surveillance system, comprised of light transport aircrafts in MPA configuration connected to the ground control and mission command system.<sup>112</sup>

The second category is the VPN and the VCG trained personnel. Following the VPA general practice, the VPN consists of regular and reserves personnel.<sup>113</sup> The reserves are on three to four years' conscription; however, the reservists are unlikely to serve in the submarines, which require prolonged and specialized training.<sup>114</sup> The VPN is looking for assistance from Russia and India to overcome its inadequate training, especially to train submariners and aviators.<sup>115</sup> Although still limited, the Navy tries to raise the level of professionalism by exposing its members to foreign navies through participation in joint exercises: bilaterally such as with the U.S. Navy on non-combatant topics in 2011, and multilaterally such as with Western Pacific Naval Symposium

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<sup>111</sup> Ibid., 8.

<sup>112</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 6–7.

<sup>113</sup> Ibid., 3.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid., 6

(WPNS) activities.<sup>116</sup> On the other hand, the VCG is still facing inadequate trained personnel.<sup>117</sup> Currently, most Coast Guard personnel are derived from the VPA.<sup>118</sup> The VCG can still obtain its personnel from the VPA's education establishments until the Coast Guard has its own. The problem with this practice is that certain personnel, because of their training, will have a higher probability of acting as military in the disputed areas than as maritime law enforcement; consequently, it may escalate tension with maritime agencies from other claimant countries in the South China Sea. To overcome the manpower issues, the VCG is sending some of its personnel overseas to have proper education and training from foreign Coast Guards, such as Japan, Singapore, and the United States.<sup>119</sup> Bilaterally, the VCG is establishing cooperation with its Philippines' counterpart, while multilaterally, the Coast Guard is attending the annual Head of Asian Coast Guard Agencies Meeting (HACGAM).<sup>120</sup>

The last category is the resources that belonging to the VPN and the VCG. With the availability of funds to modernize the VPN and the VCG, there is a better chance of cooperation over the resources belonging to both agencies, as well as the Department of Fisheries. However, because the Navy and the Coast Guard are still pursuing their own priorities, joint utilization of resources is yet difficult. The Navy still has issues in maintaining the adequate number and readiness of its assets, limiting the VPN's overall operational capability.<sup>121</sup> Although the VPN is expanding its procurement to Europe and Canada, Russia and India remain important in terms of supplying spare parts for its ex-Soviet hardware.<sup>122</sup> To reduce dependencies and obtain military technology, the Navy has been building ships from local shipyards with the assistance and license from Russia

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<sup>116</sup> Ibid., 10–11.

<sup>117</sup> Van Hieu, transl., "Vietnam Marine Police Force's international cooperation strengthened," *People's Army Newspaper*, October 31, 2011, <http://en.qdnd.vn/news/vietnam-marine-police-forces-international-cooperation-strengthened/165297.html>.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

<sup>121</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 2–3.

<sup>122</sup> Ibid.

since 2012.<sup>123</sup> On the other hand, the VCG has been trying to modernize its inventories in order to keep up with the increasing threats to the Vietnam maritime claim in the South China Sea.<sup>124</sup> To implement and upgrade its capabilities, the Coast Guard procured new patrol vessels plus helicopters from Netherlands; the same factory also agreed to help build such ships locally under license.<sup>125</sup> In 2014, the Vietnam government has allocated a budget of USD 747 million to the VCG and Vietnam Directorate of Fisheries to enhance their capabilities, bigger than the Navy.<sup>126</sup> In other developments, as part of the increasing cooperation between Vietnam and Japan, the JCG is donating its patrol vessels to the VCG, as well as associated training and funding.<sup>127</sup>

#### **D. CHINA**

China has enormous military advantages over the other countries in the region, especially to those that have claims over the South China Sea. However, being the strongest country in the region, China's has been careful to minimize the use of the PLAN in dealing with other South China Sea claimant countries' maritime assets.<sup>128</sup> Some scholars argue that China will favor negotiation and avoid war over maritime disputes.<sup>129</sup> The reason is to maintain China's un confrontational image and to prevent other claimants from joining forces against it. The reorganization of the "four of five [China's] maritime law enforcement (MLE) into ... the China Coast Guard" seems in line with the policy of maintaining low military presence in the maritime disputed area in order to prevent escalation.<sup>130</sup>

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<sup>123</sup> Ibid.

<sup>124</sup> Ibid., 5.

<sup>125</sup> Ibid., 7; "Procurement, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 8.

<sup>126</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 2.

<sup>127</sup> Sasaki and Makino, "Japan Coast Guard vessels and equipment" ; "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, 7.

<sup>128</sup> Trefor Moss, "China's other navies," *Jane's Defence Weekly* 40, Issue 28 (July 11, 2012), 29; Martinson, "Power to the Provinces," 31–32.

<sup>129</sup> You Ji, "The PLA and Diplomacy: unraveling myths about the military role in foreign policy making," *Journal of Contemporary China* (London: Taylor and Francis, September 26, 2013), 241–242.

<sup>130</sup> Ryan D. Martinson, "Power to the Provinces: The Devolution of China's Maritime Rights Protection," *China Brief* XIV, Issue 17 (Washington: The Jamestown Foundation, September 10, 2014), 4.



## 1. The People's Liberation Army Navy

The People's Liberation Army (PLA) has distinct civil-military relations on the foreign affairs when it comes in the matters related to the national security and military. The PLA has representatives in the Central Military Commission (CMC) who work in parallel with the Ministry of Foreign Affairs (MoFA), both under the Politburo Standing Committee (PSC).<sup>131</sup> The PLA actively involves in China's security and military-related foreign affairs policy decision making through the CMC while the MoFA deals with general foreign affairs policy.<sup>132</sup> The purpose of this arrangement is to ensure the stability of the regime with balancing China's national interest and domestic politics, especially preventing public outcry over the management of the maritime territorial disputes.<sup>133</sup> With those calculated actions, the PLA manages to show firmness for the domestic public while in the same time prevents escalation with the United States and other claimant countries in the East China Sea or the South China Sea.<sup>134</sup>

Since 1986, the PLA has been undergoing modernization programs focusing on high technology military capabilities.<sup>135</sup> The aim is to shift from the "manpower-intensive to ... technology intensive" armed forces.<sup>136</sup> This transformation means a change from the army dominated PLA command structures to more balanced composition consisting of PLAN and PLAAF (PLA Air Force) personnel.<sup>137</sup> Under the new arrangement of the CMC to enhance the tri services interoperability, the coastal Maritime Regions (MRs) now incorporates personnel from the PLAN and PLAAF.<sup>138</sup> While the Navy is now focusing more on China's national defense, the civilian maritime

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<sup>131</sup> You Ji, "The PLA and Diplomacy: unraveling myths about the military role in foreign policy making," *Journal of Contemporary China* (London: Taylor and Francis, September 26, 2013), 237, <http://dx.doi.org/10.1080/10670564.2013.832526>.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid., 239–240.

<sup>134</sup> Ibid.

<sup>135</sup> "Armed Forces, China," *Jane's Sentinel Security Assessment—China and Northeast Asia*, last posted April 22, 2014, 3.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid., 1.

agencies are also undertaking a robust transformation in order to police the country's maritime claims.<sup>139</sup>

## **2. Maritime Law Enforcement**

Before the reorganization of Maritime Law Enforcement (MLE) in 2013, there were five civilian agencies in charge of the China's maritime law enforcement: Marine Surveillance, Fisheries Law Enforcement Command, Coast Guard, Maritime Safety Administration, and Customs Anti-Smuggling Bureau.<sup>140</sup> Currently, all of those five agencies, except for the Maritime Safety Administration, form the new China Coast Guard (CCG).<sup>141</sup> This is an important step to centralize the intertwined confusing jurisdiction among those agencies, which were once under the China's central government and coastal provinces.<sup>142</sup> Theoretically, with a unified system, the CCG will be able to close the capabilities gap between MLEs in the central government with those in the coastal provinces; thus, China would be able to decrease the unintentional escalation incited by the less capable provincial MLEs.

## **3. Plan**

The reorganization of the MLE agencies into the CCG makes the division of tasks in China's maritime interest clearer. The civilian maritime agencies will take charge in enforcing China's waters including in disputed areas, while the People's Liberation Army Navy (PLAN) will focus on defending the country and safeguarding its commercial shipping sea lanes.<sup>143</sup> You Ji argues that China intentionally "does not have a long-term maritime policy" in order to provide more room for domestic politics and foreign

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<sup>139</sup> Moss, "China's other navies," 28.

<sup>140</sup> Moss, "China's other navies," 29; Martinson, "Power to the Provinces," 4.

<sup>141</sup> "External Affairs, China," *Jane's Sentinel Security Assessment—China and Northeast Asia*, last posted January 28, 2014, 1, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1303141>.

<sup>142</sup> Martinson, "Power to the Provinces," 4–5.

<sup>143</sup> Nan Li, "China's Evolving Naval Strategy and Capabilities in the Hu Jintao Era," *Assessing the People's Liberation Army in the Hu Jintao Era* (Carlisle Barracks, PA: The U.S. Army War College Press, April 2014), 257–258, <http://www.strategicstudiesinstitute.army.mil/pubs/download.cfm?q=1201>.

negotiation, and maintain the status quo in the disputed waters.<sup>144</sup> At least, PLAN tries to portray its unthreatening figure in the Defence White Paper of 2013 by outlining the importance of cooperation in “peacekeeping and security missions,” despite the current naval development.<sup>145</sup>

The PLAN doctrine is to defend China against attack from the sea along the imaginary lines called the first and second island chains which connect the Taiwan-Ryukyu-Hainan-the South China Sea-Vietnam in the former and extend to Japan-Guam-South Pacific in the latter (see Figure 5).<sup>146</sup> The concept has been evolving from the coastal defense into the distant sea defense since late 1980s, following the modernization of the PLAN.<sup>147</sup> Despite the increasing capability of the PLA in the recent years, You Ji concludes that it will prefer the political or diplomatic gain rather than military victory because of its vulnerability in the land borders and the risk of domestic political instability if war goes wrong for the Chinese.<sup>148</sup> Therefore, the PLAN prefers to use the civilian maritime agencies in the disputed waters to prevent escalation with navies from other claimant countries or the United States.<sup>149</sup>

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<sup>144</sup> You Ji, *Deciphering Beijing's Maritime Security Policy and Strategy in Managing Sovereignty Disputes in the China Seas* (S. Rajaratnam School of International Studies, October 2013), 1, [http://www3.ntu.edu.sg/rsis/publications/policy\\_brief/Policy-Brief-Deciphering-Beijing-Maritime-Security.pdf](http://www3.ntu.edu.sg/rsis/publications/policy_brief/Policy-Brief-Deciphering-Beijing-Maritime-Security.pdf).

<sup>145</sup> “Armed Forces, China,” *Jane's Sentinel Security Assessment—China and Northeast Asia*, 5.

<sup>146</sup> “The People's Liberation Army Navy: A Modern Navy with Chinese Characteristics” (Washington: Office of Naval Intelligence, April 2009), 5–6, <http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA510041>.

<sup>147</sup> Ibid.

<sup>148</sup> Ji, “The PLA and Diplomacy,” 244–245.

<sup>149</sup> Ibid., 243.



Figure 5. China's First and Second Islands Defense<sup>150</sup>

The civilian maritime agencies are in the forefront of China's "one-plus strategy" in the disputed waters, a strategy based on non-military proportional reprisal against other claimants maritime assets.<sup>151</sup> The China's one-plus strategy is strong enough to show firmness for the foreign and domestic audiences, without provoking a military response by the United States.<sup>152</sup> In any case, if a clash occurs, the MLEs will answer to the PLAN as the main agency in managing China's maritime disputed waters.<sup>153</sup> In spite of this, the implementation of the policy is still a challenge; in 2011, the Chinese defense minister was unaware of the action taken by a Chinese civilian ship cutting the cable of a Vietnam's oil research vessel.<sup>154</sup>

#### 4. Interagency Institutions, Structure, and Process

Regarding the management of the South China Sea, PLA's overall operational command is located in the Navy Xisha Surveillance District at the Sansha, comprising of

<sup>150</sup> "The People's Liberation Army Navy," 5.

<sup>151</sup> Ji, *Deciphering Beijing's Maritime Security*, 1.

<sup>152</sup> Ibid.

<sup>153</sup> Ji, "The PLA and Diplomacy," 250.

<sup>154</sup> Ibid., 251.

joint services personnel.<sup>155</sup> As a consensus, the PLA deals with the military affairs whereas the State Ocean Administration (SOA) manages the maritime law enforcement.<sup>156</sup> In anticipation of the likely encounter with other countries maritime assets in the disputed South China Sea, the Navy and the SOA jointly develop “pre-formulated scenario plans”; however, the PLAN has overall command in any situation.<sup>157</sup> During the stand-off with the PN flag ship BRP *Gregorio Del Pilar* in the Scarborough Shoal in 2012, a number of unarmed or lightly armed MLE vessels managed to prevent the capture of Chinese fishermen by the Philippines without involving PLAN assets.<sup>158</sup>

Observing the number of China’s MLEs involved in the Scarborough Shoal standoff, it raised questions about the overlapping tasks of those agencies and the possibility of rivalries among them.<sup>159</sup> On the other hand, it also possible that the cooperation did exist and those agencies received direction from China’s central government.<sup>160</sup> Nevertheless, the reorganization of the China’s MLEs brings both the opportunity of the decreasing of uncoordinated action that could lead into escalation of conflict in the South China Sea disputed waters and the challenges of uniting different procedures and expertise from four maritime law enforcement agencies together into the new CCG.<sup>161</sup>

## **5. Resources and Professional Norms**

The PLA personnel outnumbering China’s neighbors’ armed forces, even after the mass reduction of military personnel since its modernization program in the late 1980s.<sup>162</sup> With the decreasing number of personnel, the PLA has been able to develop its members’ capabilities to cope with the transformation of the military doctrine into

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<sup>155</sup> Ibid., 250–251.

<sup>156</sup> Ibid., 251.

<sup>157</sup> Ibid.

<sup>158</sup> Moss, “China’s other navies,” 28, 31–32.

<sup>159</sup> Ibid., 28.

<sup>160</sup> Ibid., 31.

<sup>161</sup> Ibid., 32.

<sup>162</sup> “Armed Forces, China,” *Jane’s Sentinel Security Assessment*, 4.

information technology (IT) based armed forces.<sup>163</sup> Currently, China has been able to acquire sophisticated IT on its own, such as communication and navigation satellites, which are crucial to modern military operations and enhance services interoperability. Although still modest by Western standards, the PLA's exercises gradually incorporated the electronic warfare environment in the scenario.<sup>164</sup> On the other hand, in order to oversee China's maritime waters and claims, its civilian maritime agencies have been growing rapidly in the recent years.<sup>165</sup> With the recent reorganization of China's MLEs, it is still unclear how the agency applies its C2 system in optimizing operations. However, there are divisions of labor in exercising the Maritime Rights Protection (MRP) between the coastal provinces in order to support the central government efforts in asserting China's maritime claims in the South China Sea.<sup>166</sup> The coastal provinces now are acquiring more capable patrol vessel that can cover longer distance, while still retaining the smaller ones for coastal patrols.<sup>167</sup> It means that the Hainan Province can deploy its MLE vessels to conduct MRP operation in the disputed South China Sea, which most of it under its administration.<sup>168</sup>

Regarding the professionalism, the reduction of personnel means that the PLA would be able to provide better education and training for its members. While the PLA still relies on the reservist, it also tries to attract more educated people to join the military. The PLA, especially the PLAN, interaction with foreign military also has been increasing significantly in recent years. The PLAN has been participating in various exercises and multinational operation such as the United States sponsored RIMPAC 2014 and the anti-piracy efforts in the Somali waters. In contrast, the MLEs are still having problems to standardize personnel education and training, since the four civilian maritime agencies before the integration all have different procedures and equipment across the central and provincial level. As the MLE units from provincial level join the patrol in disputed

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<sup>163</sup> Ibid., 3.

<sup>164</sup> Ibid., 5.

<sup>165</sup> Moss, "China's other navies," 28.

<sup>166</sup> Martinson, "Power to the Provinces," 5–6.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid., 6.

waters, it means that those vessels are conducting China's foreign policy. Ryan D. Martinson points out that the situation could potentially end in inappropriate management when engaging other claimants' assets and lead to unintentional escalation, since there is a disparity of the professionalism of the MLE personnel between the central government and provincial level. The incident of the harassment of USS *Impeccable* by a provincial MLE vessel in the mid-2013 highlights the concern.<sup>169</sup>

The PLAN current modernization, especially with the newly acquired aircraft carrier, will boost its power projection capability to protect China's interest overseas. The naval detachment continuous deployment in the Somali waters also shows that the PLAN is able to sustain long range operation for extended time. Moreover, the PLAN is starting to deploy its vessels regularly beyond the first island chains. With all of those developments and the increasingly wariness of China's neighbors, the roles of civilian maritime agencies would become more important in the management of the South China Sea disputed waters.<sup>170</sup> Overall, the China's civilian maritime agencies do not need for immediate PLAN intervention in managing the disputed waters in the South China Sea because they have greater number and bigger vessels compare to those belong to other claimant countries, although those ships are lightly armed or unarmed.

## **E. QUALITATIVE COMPARATIVE ANALYSIS**

It is problematic to measure and compare the effectiveness of the military and civilian maritime agency cooperation in the Philippines, Vietnam, and China with only narrative explanations. Therefore, the author will employ a simple qualitative comparative analysis method in visualizing the differences and identify both the weaknesses and the strengths of the cooperation among those agencies in each country. However, the author warns that the method is not free from subjectivity because it is based upon personal judgment and perceptions. Both the Philippines and Vietnam are comparing to China; in spite of this, China does not necessarily have the maximum score, just because it is the most formidable one.

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<sup>169</sup> Ibid., 3, 5–7.

<sup>170</sup> Ibid., 5–6, 8.



There are two groups determined by the author: agencies (navy, civilian maritime agencies, and joint maritime efforts) and measurement of effectiveness (plan; interagency institutions, structure, and process; and resources). To simplify the reading, all numbers have been converted to qualitative words. For all categories, there are seven scales ranging from absent (the lowest/not available or not existing), absent-low, low, low-medium, medium, medium-high, and high (the highest). The following tables (Table 1 to 3) are the summaries of this chapter comparison if the military and civilian maritime agency cooperation effectiveness in the Philippines, Vietnam, and China, respectively.

Table 1. The Philippines Domestic Civilian and Military Maritime Agency Cooperation

	<b>Navy</b>	<b>Civilian Maritime Agencies</b>	<b>Joint Maritime Efforts</b>	<b>Total</b>
<b>Plan</b>	Low	Low	Low	<b>Low</b>
<b>Interagency Institutions, Structure, &amp; Process</b>	Medium	Low	Low	<b>Low- medium</b>
<b>Resources</b>	Low	Low	Low	<b>Low</b>

Table 1 shows that most of the values are low. The Navy's interagency institution, structure and process value is medium because it has adequate number Regional Commands facing the likely threats. The country is facing a difficult situation in coordinating its military and civilian maritime agencies effectively because it has inadequate resources, although the Philippines has a number of regulations and plans to conduct joint maritime efforts. There are very limited assets that can be committed to conduct joint efforts in maritime security. At least for the near future, it is likely that other agencies will still have to rely on the overstretched and ageing Navy if there is no significant increase of budget. Insufficient resources also limit the PN and the PCG to develop their doctrines because they have to be realistic and not to set a very fancy plan.



As a result, it is possible that in dealing with the South China Sea problems, the Philippines will continue its current diplomatic approach to internationalize the disputes and nationalist rhetoric to look firm in the front of domestic audience.

Table 2. Vietnam Domestic Civilian and Military Maritime Agency Cooperation

	<b>Navy</b>	<b>Civilian Maritime Agencies</b>	<b>Joint Maritime Efforts</b>	<b>Total</b>
<b>Plan</b>	Low	Low	Low	<b>Low</b>
<b>Interagency Institutions, Structure, &amp; Process</b>	Medium	Medium	Low	<b>Medium</b>
<b>Resources</b>	Low-medium	Low-medium	Low-medium	<b>Medium</b>

Table 2 shows that Vietnam does not have clear doctrines to guide the cooperation among the VPN and civilian maritime agencies. There is also low effectiveness in joint maritime efforts, although the VPN and the VCG seem have a relatively balanced power. The possible reason is because the military as the vanguard of the CPV still dominates many non-military related aspects in Vietnam, overshadowing civilian agencies that have responsibilities for this area. This problem of inter-agency rivalry seems to be the biggest challenge to effective domestic maritime cooperation, even as both the VPN and the VCG are undergoing relatively extensive modernization.

Table 3. China Domestic Civilian and Military Maritime Agency Cooperation

	<b>Navy</b>	<b>Civilian Maritime Agencies</b>	<b>Joint Maritime Efforts</b>	<b>Total</b>
<b>Plan</b>	Medium	Low	Low	<b>Medium</b>
<b>Interagency Institutions, Structure, &amp; Process</b>	High	Medium	Medium	<b>Medium-high</b>
<b>Resources</b>	High	Medium-high	Low-medium	<b>Medium-high</b>

Table 3 shows that China has many advantages over the Philippines and Vietnam, especially the strength of the PLAN and the resources of the MLEs. With the massive development of China's MLEs, it is likely that the PLAN will focus on defense matters more than maritime law enforcement. However, China still has to overcome with the problems coming from the integration of its MLEs, which consist of various agencies and different coastal provinces. The main concern is in the effectiveness of cooperation among China's MLEs themselves, rather than between the PLAN and the MLEs. China will likely to continue its current practice by employing its MLEs in dealing with maritime disputes, while the PLAN takes charge of the overall situation in the background.

## F. CONCLUSION

To conclude, Table 4 illustrates the comparison of domestic military and civilian maritime agencies. Although China is not the focus of this thesis, it is included in the assessment along with the Philippines and Vietnam because of its central roles in the South China Sea disputes.

Table 4. The Comparison of Maritime Cooperation Effectiveness

	The Philippines	Vietnam	China
Plan	<b>Low</b>	<b>Low-low</b>	<b>Low-medium</b>
Interagency Institutions, Structure, & Process	<b>Low-medium</b>	<b>Medium</b>	<b>Medium-high</b>
Resources	<b>Low-low</b>	<b>Medium-low</b>	<b>Medium-high</b>

Table 4 shows that an inadequate plan is the most common problem in all three countries compared. In general, the white papers, doctrines, regulations, and other documents related to maritime security from those three countries do not elaborate enough on how the cooperation of military and civilian maritime agencies should be performed.

Table 4 also reveals that cooperation is the least effective in the Philippines, while in Vietnam modest cooperation exists. China has the most effective military and civilian maritime agency cooperation compared to the Philippines and Vietnam.

Regarding the resources category, Table 4 shows that the Philippines has very little maritime resources available. The situation may hamper further prospect of an effective domestic maritime cooperation in the Philippines. On the other hand, Vietnam has reasonable resources and it may further narrow the gap between its civilian maritime agencies capabilities with China in the near future, if Vietnam continues its maritime capabilities development. Lastly, China's maritime capabilities, both military and civilian, are dwarfing those of the Philippines and Vietnam. China may not need to deploy its military to assert maritime claims in the South China Sea.

As for implications, there are two possibilities: some form of an arms race among claimant countries in the South China Sea in order to assert their claims—which is expensive and raises the risk of escalation because it may also trigger more rivalries among domestic agencies—or a more sensible choice of cooperation among disputant

countries that includes all military and civilian maritime agencies. The latter may eventually improve each country's domestic maritime cooperation effectiveness.

### **III. INTERNATIONAL CIVILIAN AND MILITARY MARITIME AGENCY COOPERATION**

#### **A. INTRODUCTION**

The centrality of the geographical position of the South China Sea in the intertwined Sea Lanes of Communication (SLOC) means that any escalation would have a negative impact on international shipping in the area and potentially destabilize maritime security in the region. As a result, growing tension in recent years in the South China Sea over the ownership of land features and waters surrounding the area also become the concern of non-claimant countries in the region. Although the Association of Southeast Asian Nations (ASEAN) was successful in bringing the claimant countries to sign the Declaration on the Conduct of Parties in the South China Sea (DoC) in 2002, there are still clashes in the disputed areas among those countries maritime agencies and therefore the risk of escalation is persist.

Aside from the high-level political negotiations in resolving the disputes, there is some forums for multinational cooperation on the maritime security issues in the region that may contribute indirectly to the prevention of conflict in the South China Sea. Those include the Western Pacific Naval Symposium (WPNS), the North Pacific Coast Guard Forum (NPCGF), the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia (ReCAAP), and security cooperation under the ASEAN. However, existing multinational maritime cooperation forums have had limited impact on the de-escalation of the South China Sea disputes because of their limitations, such as memberships (military or civilian cooperation only) and purposes (counter terrorism, safety of life at sea, anti-piracy and sea robbery, or humanitarian assistance and disaster relief). This chapter will elaborate on the aforementioned maritime cooperation in the region that currently exists and have achieved some success.



## **B. THE WESTERN PACIFIC NAVAL SYMPOSIUM**

The WPNS was established in 1987 as a response to the growing need for maritime security cooperation in the Western Pacific region.<sup>171</sup> WPNS activities were initially limited to bi-annually meetings of high ranking naval officers; however, since 2001 it has been expanding into Mine Countermeasures and Diving Exercises series. Since its inception, current WPNS membership has been expanding into 21 navies from Australia, Brunei, Cambodia, Canada, Chile, China, France, Indonesia, Japan, Malaysia, New Zealand, Papua New Guinea, Peru, the Philippines, Republic of Korea, Russia, Singapore, Thailand, Tonga, United States and Vietnam plus observers from India, Bangladesh, Peru, Mexico, and Pakistan.<sup>172</sup> Therefore, from its membership, we can conclude that the WPNS cooperation is not limited to the Western Pacific region anymore, but that it encompasses the entire Pacific Ocean and some part of the Indian Ocean. The chairman and secretariat are rotating among member navies every one year. However, its membership remains limited to navies, and does not include civilian agencies responsible for maritime security.

The most important milestones of the WPNS are perhaps its Business Charter and Code for Unplanned Encounters at Sea (CUES). The WPNS Business Charter regulates the interaction among members, including meetings and exercises, on voluntarily basis.<sup>173</sup> Realizing that most, if not all, of the WPNS countries are prone to natural disasters such as earthquakes, volcanic activities, tsunamis, and typhoons, there have been on-going discussions to expand the Charter to incorporate Humanitarian Assistance and Disaster Relief (HA/DR) operation procedures. In an effort to evaluate the procedure, an HA/DR scenario was included in the latest Mine Countermeasures and Diving Exercises

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<sup>171</sup> “14 countries participate in Western Pacific Naval Symposium,” *Antara News*, June 13, 2012, <http://www.antaranews.com/en/news/82814/14-countries-participate-in-western-pacific-naval-symposium>.

<sup>172</sup> Ibid.; “Pakistan given observer status in regional naval symposium,” *Xinhua*, April 22, 2014, [http://news.xinhuanet.com/english/china/2014-04/22/c\\_133281621.htm](http://news.xinhuanet.com/english/china/2014-04/22/c_133281621.htm).

<sup>173</sup> “Western Pacific Naval Symposium (WPNS) Business Charter,” *Chilean Navy*, last updated September 2012, [http://wpns.sanidadnaval.cl/?page\\_id=99](http://wpns.sanidadnaval.cl/?page_id=99).

conducted in New Zealand in 2014.<sup>174</sup> It is important to note that every WPNS exercise not only focuses on the professionalism side, but also emphasizes social and cultural interaction among members of participant navies.<sup>175</sup>

The CUES, on the other hand, is important because it provides a set of guideline for members of WPNS when their vessels or aircrafts meet maritime assets belonging to other members. Modelled after the United States and Soviet Union's agreement at the height of the Cold War—INCSEA/the Prevention of Incidents On and Over the High Seas—in order to avoid misinterpretation that may lead into escalation, the CUES has been accepted by all members of WPNS in 2014.<sup>176</sup> The original INCSEA between the U.S. and the Soviet navies was successful in reducing incidents at sea, so that the same agreement still applied today with the Russian Navy.<sup>177</sup> Although not legally binding and only applying on the high seas, the CUES makes available to the field commanders necessary procedures in communicating with their counterparts from other countries in the event of unexpected encounters at sea.<sup>178</sup> Another important matter is the acceptance of the document by China, indicating its willingness to cooperate in the multilateral environment.<sup>179</sup> However, as the CUES is a product of WPNS, it is strictly applicable to naval vessels and aircrafts; it does not include civilian maritime agencies.<sup>180</sup> Currently, there is an increasing trend in the region to employ civilian maritime agencies in the maritime frontier, including disputed waters in the South China Sea. Therefore, there are

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<sup>174</sup> Katherine Mulheron, "Exercise closes in the Land of the Long White Cloud," *Navy Daily*, March 16, 2014, <http://news.navy.gov.au/en/Mar2014/Fleet/916/Exercise-closes-in-the-Land-of-the-Long-White-Cloud.htm>.

<sup>175</sup> Ibid.

<sup>176</sup> "Agreement Between the Government of The United States of America and the Government of The Union of Soviet Socialist Republics on the Prevention of Incidents On and Over the High Seas," *U.S. Department of State*, accessed February 7, 2015, <http://www.state.gov/t/isn/4791.htm>; Shannon Tiezzi, "Small But Positive Signs at Western Pacific Naval Symposium," *The Diplomat*, April 24, 2014, <http://thediplomat.com/2014/04/small-but-positive-signs-at-western-pacific-naval-symposium/>.

<sup>177</sup> Pete Pedrozo, "The U.S.-China Incidents at Sea Agreement: A Recipe for Disaster," *Journal of National Security Law & Policy* 6 (2012): 207.

<sup>178</sup> Tiezzi, "Small But Positive Signs at Western Pacific Naval Symposium."

<sup>179</sup> James Goldrick, "Cue co-operation? Pacific naval code aims to improve collaboration at sea," *Jane's Defence Weekly* 51, Issue 21 (May 21, 2014): 24.

<sup>180</sup> Ibid.

increasing probabilities of clashes among those government agencies, which are not reported to the Navy. James Goldrick suggests that for the time being, we can only hope that each navy can introduce the CUES to its country's civilian maritime agencies and lead to more conducive situations in the disputed waters.<sup>181</sup>

### C. THE NORTH PACIFIC COAST GUARD FORUM

The NPCGF was established in 2000 to enhance maritime safety and security cooperation in the North Pacific region through information sharing and meetings.<sup>182</sup> The current NPCGF members are the coast guards of Canada, China, Japan, South Korea, Russia, and the United States.<sup>183</sup> The organization's activities are annual high-ranking official meetings and exercises, focusing on "maritime security, maritime domain awareness, illegal drug trafficking, illegal migration, fisheries enforcement, and combined operations."<sup>184</sup> Although there are only a few members of the NPCGF, it provides an opportunity for maritime law enforcement agencies' cooperation. Nevertheless, unlike the WPNS, the NPCGF still has limited influence in the Pacific Ocean region as a whole, since its membership does not extend beyond the North Pacific region. One of the notable NPCGF events was the combined operation against illegal fishing activities involving the Canadian Coast Guard, U.S. Coast Guard (USCG), and China Coast Guard on the high seas in 2014.<sup>185</sup> The USCG cutter boarded and seized Yin Yuan—a Chinese flagged fishing vessel—conducting illegal fishing, based on a report from a Canadian Coast Guard patrol aircraft; then the fishing vessel was handed over to the China Coast Guard ship for further investigation.<sup>186</sup>

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<sup>181</sup> Ibid., 25.

<sup>182</sup> "North Pacific Coast Guard Forum," *Canadian Coast Guard*, last modified June 24, 2013, <http://www.ccg-gcc.gc.ca/e0007869>.

<sup>183</sup> Goldrick, "Cue co-operation?" 25.

<sup>184</sup> Ibid.

<sup>185</sup> "United States and China Coast Guards interdict vessel for illegally fishing on the high seas," *U.S. Coast Guard Newsroom*, June 3, 2014, <http://www.uscgnews.com/go/doc/4007/2173349/Multimedia-Release-United-States-and-China-Coast-Guards-interdict-vessel-for-illegally-fishing-on-the-high-seas>.

<sup>186</sup> Ibid.



#### **D. REGIONAL COOPERATION AGREEMENT ON COMBATING PIRACY AND ARMED ROBBERY AGAINST SHIPS IN ASIA**

ReCAAP was established in response to the increasing maritime security threat to the Asian region, especially against shipping in the form of theft, robbery, hijack, and acts of piracy. The ReCAAP is a government-to-government organization. Its agreement coming into force in 2006 with 20 member countries in the region: Australia, Bangladesh, Brunei, Cambodia, China, Denmark, India, Japan, South Korea, Laos, Myanmar, Netherlands, Norway, the Philippines, Singapore, Sri Lanka, Thailand, the United Kingdom, the United States and Vietnam. ReCAAP focuses on information sharing, capacity building, and cooperation with similar purposes organizations. Participating countries voluntarily exchange maritime security information, especially incidents related to shipping, through their focal points via ReCAAP network.<sup>187</sup>

One focus of ReCAAP is the Strait of Malacca, because the strait is an important route sailed by thousands of ships every year. There have been occasional attacks to shipping in the area. The incidents vary from robbery against ships underway in the Strait of Malacca to petty theft against ships in many of the ports along the waterway.<sup>188</sup> ReCAAP also promulgates warnings or notices to ship masters transiting incident-prone areas. The relatively close proximity of countries in the areas also results in some of the crimes being cross border in nature, in which case, they may fall under the International Criminal Police Organization (INTERPOL) jurisdiction.<sup>189</sup> Although ReCAAP asks for greater cooperation from littoral countries, there are some reasons that make two countries bordering the Strait of Malacca—Indonesia and Malaysia—still refuse to join the organization. First, the word piracy brings uncomfortable feelings to those two countries, since according to the UNCLOS, it only occurs in the high seas and outside of the jurisdiction of any states; whereas, in the Strait of Malacca, there is no high sea because of the short distance between Indonesia and Malaysia shores. Second, the word

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<sup>187</sup> ReCAAP, ReCAAP ISC, accessed February 2, 2015, <http://www.recaap.org/AboutReCAAPISC.aspx>.

<sup>188</sup> “Press Release: Nautical Forum 6/15,” *The ReCAAP ISC*, January 14, 2015, <http://www.recaap.org/LinkClick.aspx?fileticket=PfMeqJMkmu8%3d&tabid=80&mid=393>.

<sup>189</sup> *Ibid.*

piracy tends to internationalize the Strait of Malacca, which is under the maritime jurisdiction of Indonesia and Malaysia. Both countries argue that there is enough maritime cooperation in the Strait of Malacca, such as Coordinated Patrol conducted trilaterally among Indonesia, Malaysia, and Singapore (Corpat Malsindo), and bilaterally among those countries.<sup>190</sup>

## **E. SECURITY COOPERATION UNDER THE ASEAN**

Although the ASEAN was established in 1967, the organization only created an institution for, the ASEAN Regional Forum (ARF), in 1993.<sup>191</sup> More recently, the ASEAN significantly expanded its role in security cooperation by establishing the ASEAN Defense Ministers Meeting (ADMM) in 2006 and ADMM Plus in 2010.<sup>192</sup> By the implementation of ASEAN Community in 2015, there will be further integration of the ASEAN within the organization itself and with extra regional countries and/ or organizations. All existing security cooperation, including the ARF and ADMM-Plus are then placed under the ASEAN Political-Security Community, one of the three pillars of the ASEAN Community 2015.<sup>193</sup> There is another security-related forum under the ASEAN Political-Security Community, the ASEAN Ministerial Meeting on Transnational Crime (AMMTC).<sup>194</sup> However, the AMMTC only focuses on the transnational crime and does not discuss the maritime security issues, since the forum is an expansion of the ASEAN Law Ministers Meeting (ALAWMM).<sup>195</sup> To date, the ASEAN has no security cooperation with other extra regional countries and/ or

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<sup>190</sup> Priyambodo RH, "Amankan Selat Malaka, Indonesia Belum Sepakati ReCAAP," Antaranews.com, <http://www.antaranews.com/berita/41300/amankan-selat-malaka-indonesia-belum-sepakati-recaap>.

<sup>191</sup> *ASEAN Defense Ministers' Meeting-Plus Counter-Terrorism Exercise* (Report, Naval Postgraduate School, 2013), 2; "About The ASEAN Regional Forum," *ASEAN Regional Forum*, accessed February 9, 2015, <http://aseanregionalforum.asean.org/about.html>.

<sup>192</sup> *ASEAN Defense Ministers' Meeting-Plus*, 3.

<sup>193</sup> The three pillars of ASEAN Community 2015 are the ASEAN Political-Security, Economic, and Socio-Cultural Community. See *Roadmap for an ASEAN Community 2009-2015* (Jakarta: ASEAN Secretariat, April 2009), <http://www.asean.org/images/2012/publications/RoadmapASEANCommunity.pdf>.

<sup>194</sup> "ASEAN Political-Security Community," ASEAN Secretariat, accessed March 1, 2015, <http://www.asean.org/communities/asean-political-security-community>.

<sup>195</sup> Ibid.

organizations beyond the ARF and the ADMM-Plus. Although there are 31 countries have signed the ASEAN Treaty of Amity and Cooperation in the Southeast Asia (TAC), its main purpose is to allow the respective extra regional country to join the ASEAN Summit and its related forums and not necessarily involve directly in the ARF and the ADMM-Plus.<sup>196</sup>

## **1. ASEAN Regional Forum**

The ARF was established to address the region's political and security issues through "confidence building and preventive diplomacy." The ARF membership is not limited to ASEAN countries only, but also incorporates ASEAN dialogue partners. Current members of ARF are Australia, Bangladesh, Brunei, Cambodia, Canada, China, North Korea, European Union, India, Indonesia, Japan, Laos, Malaysia, Mongolia, Myanmar, New Zealand, Pakistan, Papua New Guinea, Philippines, South Korea, Russia, Singapore, Sri Lanka, Thailand, Timor-Leste, the United States, and Vietnam. The ARF is a foreign ministerial level meeting and the Chairman of ASEAN Standing Committee is the Chairman of the ARF, which rotates every year among ASEAN members. The organization promotes a multilateral approach to security issues in the region and incorporated representatives from respective countries' ministry of defense or security agencies.<sup>197</sup>

The ARF activities are participated by wide ranging security-related agencies from ARF members. Currently, the ARF there are various issues that have been discussed, such as HA/ DR responses, preventive diplomacy, defence education institution cooperation, space security, Confidence Building Measures (CBM), Sea Lines of Communications (SLOCs) security, prevention of transnational drug trafficking, anti-piracy and armed robbery, regional migration, counter radicalization, wildlife trafficking,

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<sup>196</sup> The European Union (EU) is regarded as one entity and the latest signatory of the TAC is Brazil. See "First Latin America Country Accedes to the Treaty of Amity and Cooperation in the Southeast Asia (TAC)," ASEAN Secretariat, last updated November 18, 2012, <http://www.asean.org/news/asean-secretariat-news/item/first-latin-america-country-accedes-to-the-treaty-of-amity-cooperation-in-southeast-asia-tac>.

<sup>197</sup> "About The ASEAN Regional Forum."

Non-Proliferation and Disarmament (NPD), and cyber security.<sup>198</sup> Those meetings and workshops have been expanding toward exercises related to the regional security cooperation. As the first step, HA/ DR exercises are being chosen because considering that the ARF member countries are located in natural disaster prone areas. The common HA/ DR exercise themes are the mitigation of the aftermath of natural disaster such as earthquakes, tsunami, flooding, typhoons, and volcano eruptions. The first ARF HA/DR exercise was conducted in the Philippines in 2009, followed by more than 20 countries in the Asia-Pacific region.<sup>199</sup> Such activities may indirectly contribute to the conflict resolution, because HA/DR exercises encourage interaction and confidence building among members of the ARF, including the South China Sea claimant countries who also participate in the events.

## **2. ASEAN Defense Ministers Meeting and ADMM-Plus**

The ADMM was established in 2006 as a forum for the ASEAN member defense ministers to meet in the spirit of ASEAN's Treaty of Amity and Cooperation (TAC). While the ARF discusses general security-related issues, the ADMM focuses on defense and security cooperation among armed forces in the region. Initially, the ADMM activities were limited to a series of meetings and workshops among ASEAN defense ministers, resulting in joint papers about further possibilities of collaboration in the HA/ DR, the incorporation of "civil society organization, and non-traditional security issues" among member countries.

Considering that the region's defense and security issues are not limited to the ASEAN countries only, the ADMM was extended in 2010 to include eight of the ASEAN dialogues partners as well.<sup>200</sup> The eight include Australia, China, India, Japan, South Korea, New Zealand, Russia, and the United States.<sup>201</sup> The purpose of ADMM-

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<sup>198</sup> "Schedule of ARF Meetings and Activities," *ASEAN Regional Forum*, accessed February 28, 2015, <http://aseanregionalforum.asean.org/events.html?id=467>.

<sup>199</sup> "ASEAN Regional Forum (ARF) to Hold First Disaster Relief Exercise in the Philippines," U.S. Department of State, last updated April 6, 2009, <http://m.state.gov/md121338.htm>.

<sup>200</sup> *ASEAN Defense Ministers' Meeting-Plus*, 3–4.

<sup>201</sup> *Ibid.*, 4.

Plus is to enhance regional security through confidence and capacity building among members, especially in the areas of maritime security, counter terrorism, disaster management, peacekeeping operations, and military medicine.<sup>202</sup> The ADMM-Plus conducted the first series of exercises in 2013-2014.<sup>203</sup> The exercises consist “of HA/DR, military medicine, counter-terrorism and maritime security,” organized in several ADMM-Plus countries: Brunei Darussalam (HADR/ Military Medicine Exercise), Indonesia (Counter-Terrorism Exercise/ CTX), Australia (Maritime Security Field Training Exercise), and the Philippines (Peacekeeping Operations Table-Top Exercise).<sup>204</sup> Like in the ARF activities, the ADMM-Plus exercises also enhance the interaction among member countries through discussion, cooperation, and expertise sharing.<sup>205</sup> Although the gathering usually avoids the South China Sea issues in the discussion, the ADMM-Plus facilitates venue for the claimant countries to cooperate and build constructive relationships.

## **F. CONCLUSION**

Although there are some maritime multinational cooperation organizations in the Asia-Pacific region, their impact on the prevention of escalation—especially in the South China Sea disputes—remains limited. Those cooperation have limited membership, such as navy-to-navy in the WPNS, military-to-military in the ADMM-Plus, and coast guard-to-coast guard in the NPCGF, or scope, such as sea robbery and piracy in ReCAAP, and HA/DR in the ARF. On the other hand, the WPNS members’ acceptance of CUES is a signal that there is a chance to adopt a multilateral conflict management approach to the South China Sea disputes. It is also a step toward discussing the possibility of including regional civilian maritime agencies in future cooperation.

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<sup>202</sup> Ibid.

<sup>203</sup> “ASEAN Defence Ministers Meeting (ADMM),” ASEAN Secretariat, accessed February 28, 2015, <http://asean.org/communities/asean-political-security-community/category/asean-defence-ministers-meeting-admm>.

<sup>204</sup> Ibid.

<sup>205</sup> *ASEAN Defense Ministers’ Meeting–Plus*, 1, 4–5.

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## **IV. PROBLEMS IN THE SOUTH CHINA SEA DISPUTES**

This chapter provides an overview of Vietnam's and the Philippines' claims to the South China Sea and their relations with other claimant countries, as well as the Association of Southeast Asian Nations (ASEAN) members. This chapter also presents evidence of the increasing conflict between the South China Sea claimant countries' civilian maritime forces. In addition, there are two brief case studies showing how some countries employ their maritime agencies in the disputed waters of the South China Sea.

### **A. THE IMPORTANCE OF THE SOUTH CHINA SEA**

As previously mentioned, the South China Sea has enormous hydrocarbon reserves in the form of oil and gas, although estimates vary because no comprehensive exploration has been undertaken in the disputed areas to date. The South China Sea is also abundant in fisheries potential, providing 10% of the world demand; however, fish stocks in the littoral states have been depleted due to overfishing.<sup>206</sup> Naturally, the fishermen have shifted their fishing grounds to the disputed area in the South China Sea. Consequently, the need to secure energy sources and to feed the growing population has raised the tension in the disputed areas recently.

Apart from its resources, the South China Sea is strategically located in the intertwined busy Sea Lanes of Communication (SLOC) and Sea Lanes of Oil Trade (SLOT) which carry about half of the world's shipping by tonnage annually.<sup>207</sup> Andrew S. Erickson points out that

the South China Sea handles an annual oil flow three times that of the Suez Canal and 15 times that of the Panama Canal. By 2020, increasing regional energy demand is expected to double its oil figures. [It] is [also] a

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<sup>206</sup> Clarence J. Bouchat, *The Paracel Islands and U.S. Interests and Approaches in the South China Sea* (Carlisle Barracks, PA: U.S. Army War College Press, 2014), 6.

<sup>207</sup> Hong Nong, "Maritime Trade Development in Asia: A Need for Regional Maritime Security Cooperation in the South China Sea," in *Maritime Security in the South China Sea*, eds. Shicun Wu and Keyuan Zou (Surrey, UK: Ashgate, 2009), 42.

vital transport corridor for liquefied natural gas (LNG), carrying two-third of the world's current LNG trade.<sup>208</sup>

Any escalation will disrupt other sea users, not only the parties of the conflict. The shipping insurance cost will rise significantly if the area is unsafe for normal navigation and declared war-risk area.<sup>209</sup> Re-routing ships via alternative routes, in order to avoid the conflict waters, also will increase the cost.

During the 25<sup>th</sup> ASEAN Summit in Myanmar in November 2014, among other matters discussed, the ASEAN leaders and their counterparts from ASEAN Dialogue Partners agreed to the peaceful resolution of the South China Sea disputes.<sup>210</sup> The 2014 ASEAN Summit was particularly important because it conducted just before the implementation of the ASEAN Community in 2015.<sup>211</sup> The meeting sought to resolve the differences among members, including the South China Sea issues.

While ASEAN has been trying to act as a mediator to solve the disputes in the South China Sea, it has persistent difficulties: some of the ASEAN countries such as Brunei, Malaysia, the Philippines, and Vietnam are the claimant countries. Consequently, China has been reluctant to follow up the Declaration of Conduct (DoC) of Parties in the South China Sea into a more binding Code of Conduct (CoC).<sup>212</sup> When China tried to move an oil rig into the disputed area in 2014, not only did it incite skirmishes at sea, it

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<sup>208</sup> Andrew S. Erickson, "Maritime Cooperation in the South China Sea Region," in *Maritime Security in the South China Sea*, eds. Shicun Wu and Keyuan Zou (Surrey, UK: Ashgate, 2009), 52.

<sup>209</sup> Xu Ke, "Myth and Reality: The Rise and Fall of Contemporary Maritime Piracy in the South China Sea," in *Maritime Security in the South China Sea*, eds. Shicun Wu and Keyuan Zou (Surrey, UK: Ashgate, 2009), 89.

<sup>210</sup> Romeo Arca Jr., "ASEAN Leaders Gather in Myanmar for a 'Historic' Summit," *ASEAN Secretariat News*, November 12, 2014, <http://www.asean.org/news/asean-secretariat-news/item/asean-leaders-gather-in-myanmar-for-a-historic-summit>. The article also explains that currently there are eight ASEAN Dialogue Partners: China, Japan, the Republic of Korea, India, Australia, New Zealand, Russia and the United States.

<sup>211</sup> Ibid.

<sup>212</sup> Ronald O'Rourke, "Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress," (Congressional Research Service, September 26, 2014), 10, <http://fas.org/sgp/crs/row/R42784.pdf>.



also sparked widespread violent protests in Vietnam.<sup>213</sup> In view of the importance of the peaceful resolution of the South China Sea disputes, the ASEAN Secretary General Le Luong Minh shared his belief that “the South China Sea issue is not just about competing claims; it’s about peace and stability in the region.”<sup>214</sup>

On the other hand, the increasing interest of non-claimant countries in direct intervention in the South China Sea would complicate the resolution of the disputes. At least three countries—India, Japan, and United Kingdom—already pronounce their intention to increase or send their respective navy to the area. The Indian Navy (IN) Chief of Naval Staff, Admiral Rabindra Kumar Dhowan, expressed his intention to increase the IN activities in the South China Sea, as a form to challenge China’s claim in the area.<sup>215</sup> Since India is not a claimant country of the South China Sea, the reason behind this move is not very clear. However, India has been wary of the People’s Liberation Army Navy (PLAN) intensifying operations in the Indian Ocean, and may try to foster more cooperation with China’s rival in the region, such as Vietnam, in which India also has off shore energy cooperation.

In the case of Japan, its Defense Minister, General Nakatani announced to the press that the its military is *interested* in conducting maritime patrols in the disputed waters because the situation in the South China Sea would have implications for Japan’s national security.<sup>216</sup> Japan may use this move to enhance its maritime cooperation with the Philippines and Vietnam, which already have received ships and equipment from the Japan Coast Guard (JCG), in view of the increasing Chinese activity in the East China Sea.

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<sup>213</sup> Kate Hodal and Jonathan Kaiman, “At least 21 dead in Vietnam anti-China protests over oil rig,” *The Guardian*, May 15, 2014, <http://www.theguardian.com/world/2014/may/15/vietnam-anti-china-protests-oil-rig-dead-injured>.

<sup>214</sup> “China’s Maritime Disputes,” *Council on Foreign Relations*, accessed February 14, 2015, [http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#1/?cid=otr-marketing\\_use-china\\_sea\\_InfoGuide](http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#1/?cid=otr-marketing_use-china_sea_InfoGuide).

<sup>215</sup> Rahul Bedi, “Interview: Admiral Rabindra Kumar Dhowan, Chief of naval Staff, Indian Navy,” *Jane’s Defense Weekly* 52, No. 6 (February 11, 2015), 34.

<sup>216</sup> James Hardy, “Japan: South China Sea ops a possibility,” *Jane’s Defense Weekly* 52, No. 6 (February 11, 2015), 7.

Meanwhile, the United Kingdom has been increasing its “political and economic interest in the Asia-Pacific region.”<sup>217</sup> The United Kingdom’s Foreign Secretary Phillip Hammond pledges to support its allies in the event of escalation in the South China Sea.<sup>218</sup> The country has a defense pact with “Australia, Malaysia, New Zealand, and Singapore,” known as the Five Power Defence Arrangement (FPDA).<sup>219</sup> His statement could be interpreted as meaning the United Kingdom will stand behind Malaysia in the South China Sea disputes. *Jane’s* notes that the United Kingdom’s commerce traversing the area per year is valued USD 4.52 trillion.<sup>220</sup> The Royal Navy (RN) ships have been deployed to the area recently to participate in the search and rescue (SAR) of the Malaysian aircraft MH370 and the relief efforts in the Philippines following the Haiyan typhoon.<sup>221</sup>

## **B. OVERVIEW OF THE CLAIMS**

With the spirit of providing prosperity for mankind and preservation of maritime environment, the United Nations Convention on the Law of the Sea (UNCLOS) provides a legal basis for the extension of the jurisdiction of maritime countries through new sea regimes: the territorial sea, the exclusive economic zone, and the continental shelf.

However, Clarence J. Bouchat points out that the UNCLOS indirectly encourages littoral countries to assert their claim in the South China Sea.<sup>222</sup> Indeed, more claimant countries tried to assert their claim by military occupation to various land features in the South China Sea since UNCLOS signed in 1982. It is important to note that only few land features in the South China Sea fall into the category of an island and can generate legal consequences according to UNCLOS. In addition, there have been clashes among almost all claimant countries in the disputed areas.

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<sup>217</sup> Ridzwan Rahmat, “Hammond: UK will support allies in event of future Asia-Pacific crises,” *Jane’s Defense Weekly* 52, No. 6 (February 11, 2015), 14.

<sup>218</sup> *Ibid.*

<sup>219</sup> *Ibid.*

<sup>220</sup> *Ibid.*

<sup>221</sup> *Ibid.*

<sup>222</sup> Bouchat, *The Paracel Islands and U.S. Interests*, 30.

The U-shape Nine Dash Line that both Taiwan and China presented are often considered the Chinese claim because they are identical, although their positions are vague and there are huge gaps between lines.<sup>223</sup> China and Taiwan based their claims on historical evidence, but neither country has effectively and continuously occupied the area, since only few islands can naturally support habitation. Taiwan occupied Woody Island in 1946 and the largest one, Taiping Island, in 1956.<sup>224</sup> Other countries then followed to occupy islands and land features in the South China Sea, except for Brunei, which only claims the Economic Exclusive Zone (EEZ).

The more rapid industrial and population growth in China, compared to other claimants, push the country to aggressively assert its claim. In addition, China needs to secure alternative energy sources other than from Middle East and West Africa. The growing capability and activities of the Indian Navy, and historical rivalries between the two countries, make China's Sea Lanes of Communication (SLOC) in the Indian Ocean more vulnerable to disruption. Therefore, securing the energy resources in the South China Sea is a logical solution. Currently China develops artificial islands on the reefs it occupies in order to support the habitation and possibly to build airstrips, such as in the Johnson South and Gaven Reefs.<sup>225</sup> However, according to UNCLOS, countries cannot claim Territorial Sea, EEZ, and/ or Continental Shelf extending from artificial islands.<sup>226</sup>

Vietnam continues occupation by the then Republic of South Vietnam. China and Vietnam have reached some joint development agreements in the Gulf of Tonkin; however, both countries have not settled their disputes in the Paracel and Spratly Islands yet.<sup>227</sup> While Vietnam also has an overlapping claim with the Philippines in the Spratly

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<sup>223</sup> Ramses Amer, "Claims and Conflict Situations," in *War or Peace in the South China Sea?* (Copenhagen: NIAS Press, 2002), 29.

<sup>224</sup> Bouchat, *The Paracel Islands and U.S. Interests*, 14; Bjorn Moller, "The Military Aspects of the Disputes," in *War or Peace in the South China Sea?* (Copenhagen: NIAS Press, 2002), 64.

<sup>225</sup> James Hardy and Sean O'Connor, "China advances reef construction," *Jane's Defense Weekly* 51, No. 39 (September 24, 2014), 17; James Hardy and Sean O'Connor, "China build another island in SCS," *Jane's Defense Weekly* 51, No. 40 (October 1, 2014), 8.

<sup>226</sup> Article 60 UNCLOS.

<sup>227</sup> David Scott, "Conflict Irresolution in the South China Sea," in *Asian Survey* 52, No. 6 (November/December 2012), 1028, <http://www.jstor.org/stable/10.1525/as.2012.52.6.1019>.

Islands, in 2011 both countries agreed to sign a maritime cooperation agreement against China's increasing activities in the South China Sea.<sup>228</sup> The members of the Vietnam People's Navy (VPN) and the Philippines Navy (PN) started an annual sport gathering at the Southwest Cay Island from mid-2014, a move that not only for strengthened their relationship in regard of China but also marked a step toward acknowledgement of respective countries' claim over the South China Sea.<sup>229</sup>

The Philippines' claims of the South China Sea are a mix of historical and UNCLOS approaches. It is an extension of its territorial waters claim based on the 1898 Paris Treaty.<sup>230</sup> However, the irregular polygon lines consisting of up to 285 nautical miles in the South China Sea are inconsistent with the territorial waters determined by UNCLOS.<sup>231</sup> In 2013 the Philippines submitted its dispute with China in the South China Sea to the U.N. Arbitral Tribunal.<sup>232</sup> In addition, the Philippines also has territorial claim over land in Borneo currently administered by Malaysia, which could expand the Philippines' maritime jurisdiction. However, besides the latest incident of an armed group's incursion from Sulu into the disputed land in Borneo, the situation remain calm and in the status quo.

Despite the Treaty of Amity and Cooperation (TAC) adopted by all ASEAN members, there are still difficulties. The most serious incident between ASEAN member claimants probably was in the Investigator Shoal and Erica Reef in 1999, which are

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<sup>228</sup> Ibid., 1031.

<sup>229</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, last posted October 8, 2014, 4, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305175>.

<sup>230</sup> Lowell B. Bautista, "The Philippines Treaty Limits and Territorial Waters Claim in International Law," accessed November 12, 2014, 110, <http://journals.upd.edu.ph/index.php/socialsciencediliman/article/viewFile/2046/1956>.

<sup>231</sup> "Philippines Maritime claims," IndexMundi, last modified August 23, 2014, [http://www.indexmundi.com/philippines/maritime\\_claims.html](http://www.indexmundi.com/philippines/maritime_claims.html).

<sup>232</sup> John T. Sidel, "The Philippines in 2013: Disappointment, Disgrace, Disaster," in *Asian Survey* 54, No. 1 (University of California Press: January/ February 2014), 69, <http://www.jstor.org/stable/10.1525/as.2014.54.1.64>.

claimed by Vietnam and the Philippines, when Malaysia sent its military to seize the land features and clashed with the Philippine troops.<sup>233</sup>

Indonesia is a country that formally doesn't have any claim over the South China Sea, but its EEZ in the Natuna Sea is intersecting with the Nine Dash Line.<sup>234</sup> Not surprisingly, there were some incidents between Indonesian Ministry of Maritime Affairs and Fisheries with the Chinese Maritime Law Enforcement patrol vessels in the area.<sup>235</sup> The latest case was in March 2013 when the Chinese demanded the release of their fishing boats apprehended by the Indonesian.<sup>236</sup>

In response to those incidents, the Indonesian Armed Forces have increased their overall military strength in the Natuna Islands and naval presence in surrounding waters.<sup>237</sup> However, any incidents at the sea tend to be unreported because until now, both the government of Indonesia and China maintain that there is no territorial dispute between them.<sup>238</sup> If the situation on the ground persists, it is not impossible in the near future that Indonesia will abandon its neutrality in the mediation role and join other South China Sea claimant countries against China.<sup>239</sup>

### **C. TREND OF SKIRMISHES IN THE SOUTH CHINA SEA DISPUTED AREAS**

All countries, except for Brunei, deploy and build military posts in the disputed South China Sea in order to assert their claim. Vietnam occupies the most with twenty-nine garrisons and the Philippines in the second with ten; the rest islands and features

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<sup>233</sup> J.N. Mak, "Sovereignty in ASEAN and the Problem of Maritime Cooperation in the South China Sea," No. 156 (Singapore: S. Rajaratnam School of International Studies, April 23, 2008), 6.

<sup>234</sup> Bruno Hellendorff and Thierry Kellner, "Indonesia: A Bigger Role in the South China Sea?" *The Diplomats*, July 9, 2014, <http://thediplomat.com/2014/07/indonesia-a-bigger-role-in-the-south-china-sea/>.

<sup>235</sup> Ibid.

<sup>236</sup> Scott Bentley, "Mapping the nine-dash line: recent incidents involving Indonesia in the South China Sea," *Strategist-The Australian Strategic Policy Institute Blog*, October 29, 2013, <http://www.aspistrategist.org.au/mapping-the-nine-dash-line-recent-incidents-involving-indonesia-in-the-south-china-sea/>.

<sup>237</sup> Hellendorff and Kellner, "Indonesia: A Bigger Role in the South China Sea?" Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> Ibid.

occupied by Malaysia (three), PRC (seven), and Taiwan (one), all but PRC has airstrips.<sup>240</sup> The militarized maritime disputes over the South China Sea are prone to escalate into open arms conflict among claimants.<sup>241</sup>

The signing of the Declaration on the Conduct of Parties in the South China Sea, or known as DoC, on November 4, 2002, minimized clashes between military units from claimant countries in the disputed areas.<sup>242</sup> However, it did not prevent countries from utilizing non-military units in the troubled waters and clashes still occur (see Table 5).

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<sup>240</sup> Andrew S. Erickson and Austin Strange, “Pandora’s Sandbox China’s Island-Building Strategy in the South China Sea,” *Foreign Affairs*, July 13, 2014, <http://www.foreignaffairs.com/articles/141632/andrew-s-erickson-and-austin-strange/pandoras-sandbox>; In addition to the Swallow Reef mentioned in the article, Malaysia also occupies Instigator Shoal and Erica Reef from the Philippines.

<sup>241</sup> J.N. Mak, “Sovereignty in ASEAN and the problem of maritime cooperation in the South China Sea,” in *Security and International Politics in the South China Sea: Towards a cooperative management regime*, eds. Sam Bateman and Ralf Emmersn (Oxon, UK: Routledge, 2009), 111.

<sup>242</sup> “Declaration on the Conduct of Parties in the South China Sea,” Adopted by the Foreign Ministers of ASEAN and the People’s Republic of China at the 8th ASEAN Summit in Phnom Penh, Cambodia, November 4, 2002, <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>.



Table 5. List of Skirmishes Related to Disputes in South China Sea after DoC Signing in 2002

Date	Position	Countries	Agencies Involved	Type of Incident	Remarks
June 2009	Off the coast of the Philippines	PRC, USA	PLAN Submarine, USN Ship	Submarine collide with sonar towed array	No followed up. <sup>243</sup>
June 2010	Off the Natuna Island	PRC, Indonesia	Fishing boats escorted by Chinese Ministry of Fisheries ships, Indonesian Ministry of Maritime and Fisheries patrol ship	Threat by force to release PRC fishermen	No followed up. <sup>244</sup>
February 2011	Jackson Atoll	PRC, the Philippines	PLAN ships, fishing boats	Warning shots	Fishing boats left the area. <sup>245</sup>
March 2011	Reed Bank	PRC, the Philippines	Chinese Maritime Surveillance ships, Seismic Vessel	Harass, Dangerous maneuvers	The Philippines diplomatic protest <sup>246</sup>
May 2011	South China Sea	PRC, Vietnam	Fishing boats, Survey ship	Cutting cable	Diplomatic rhetoric exchanges. <sup>247</sup>
June 2011	South China Sea	PRC, Vietnam	Fishing boat, Survey ship	Cutting cable	Vietnam protest <sup>248</sup>
October 2011	South China Sea	PRC, the Philippines	Fishing boat, the Philippine Navy (PN)	Ramming by PN	The Philippines apologized. <sup>249</sup>

<sup>243</sup> Barbara Starr, "Sub Collides with Sonar Array Towed by U.S. Navy Ship," *CNN.com*, June 12, 2009, <http://www.cnn.com/2009/US/06/12/china.submarine/index.html>; "South China Sea timeline," *Deutsche Welle*, last updated October 4, 2013, <http://www.dw.de/south-china-sea-timeline/a-16732585>.

<sup>244</sup> Ibid.

<sup>245</sup> Ibid.; Tessa Jamandre, "China Fired at Filipino Fishermen in Jackson Atoll," *ABS-CBN*, March 6, 2011, <http://www.abs-cbnnews.com/-depth/06/02/11/china-fired-filipino-fishermen-jackson-atoll>.

<sup>246</sup> Ibid.

<sup>247</sup> "Vietnam Says Chinese Boat Harassed Survey Ship; China Disputes," *Bloomberg News*, last updated June 9, 2011, <http://www.businessweek.com/news/2011-06-09/vietnam-says-chinese-boat-harassed-survey-ship-china-disputes.html>; "South China Sea Timeline," Ibid.

<sup>248</sup> Ibid.; "China Accuses Vietnam in South China Sea Row," *BBC News Asia-Pacific*, June 10, 2011, <http://www.bbc.co.uk/news/world-asia-pacific-13723443>.

<sup>249</sup> "South China Sea timeline," Ibid.

April-June 2012	Scarborough Reef	PRC, the Philippines	Fishing boats backed by Chinese Maritime Surveillance ships, PN ship	Prevent arrest of fishing boats	Stalemate, withdrawn due to bad weather, exchanged of diplomatic protests. <sup>250</sup>
26 March 2013	Off the Natuna Island	PRC, Indonesia	PRC fishermen and Ministry of Fisheries ships, Indonesian Ministry of Maritime and Fisheries ship	Threat by force to release PRC fishermen	No followed up. <sup>251</sup>
May 2013	Idem	Idem	Idem	Idem	Idem
May 2013	South China Sea	Taiwan, the Philippines	Fishing boat, Philippine Coast Guard ships	Shooting at fishing boat	One fisherman died, Taiwan protest, China condemned. <sup>252</sup>
June 2013	Off the Natuna Island	PRC, Indonesia	PRC fishermen and Ministry of Fisheries ships, Indonesian Ministry of Maritime and Fisheries ship	Threat by force to release PRC fishermen	No followed up. <sup>253</sup>
27 January 2014	Scarborough Shoal	PRC, the Philippines	PRC Coast Guard, Philippine fishing boats	Water cannon	The Philippines diplomatic protest. <sup>254</sup>

<sup>250</sup> Ibid.; Tina G. Santos, "PH, Chinese Naval Vessels in Scarborough Shoal Standoff," *Inquirer.net*, last updated April 11 2012, <http://globalnation.inquirer.net/32341/ph-chinese-naval-vessels-in-scarborough-shoal-standoff>.

<sup>251</sup> Scott Bentley, "Mapping the Nine-Dash Line: Recent Incidents involving Indonesia in the South China Sea," *The Strategist, The Australian Strategic Policy Institute Blog*, October 29, 2013, <http://www.aspistrategist.org.au/mapping-the-nine-dash-line-recent-incidents-involving-indonesia-in-the-south-china-sea/>.

<sup>252</sup> "Taiwan Protests to Philippines after Fisherman Shot," *BBC News*, last updated May 10, 2013, <http://www.bbc.com/news/world-asia-22476784>; "China Media: Boat Attack Condemned," *BBC News*, last updated May 10, 2013, <http://www.bbc.com/news/world-asia-china-22476843>.

<sup>253</sup> Bentley, "Mapping the nine-dash line," Ibid.

<sup>254</sup> Ben Blanchard, "China Blames Philippines for Latest South China Sea Incident," *Business Insider*, February 26, 2014, <http://www.businessinsider.com/r-china-blames-philippines-for-latest-south-china-sea-incident-2014-26>.



May 2014	Paracel Island	PRC, Vietnam	Government ships, fishing boat	Ramming	Fishing boat sunk. <sup>255</sup>
May 2014	Paracel Island	PRC, Vietnam	Chinese Coast Guard, Vietnamese Coast Guard	Ramming, water cannon exchanges	Exchange of protests, oil rig withdrawn from area. <sup>256</sup>

To summarize, the following graphics (Figures 6, 7, and 8) elaborate those chronological events depicted in Table 5 into the agencies and countries involved, and causes of the skirmishes.

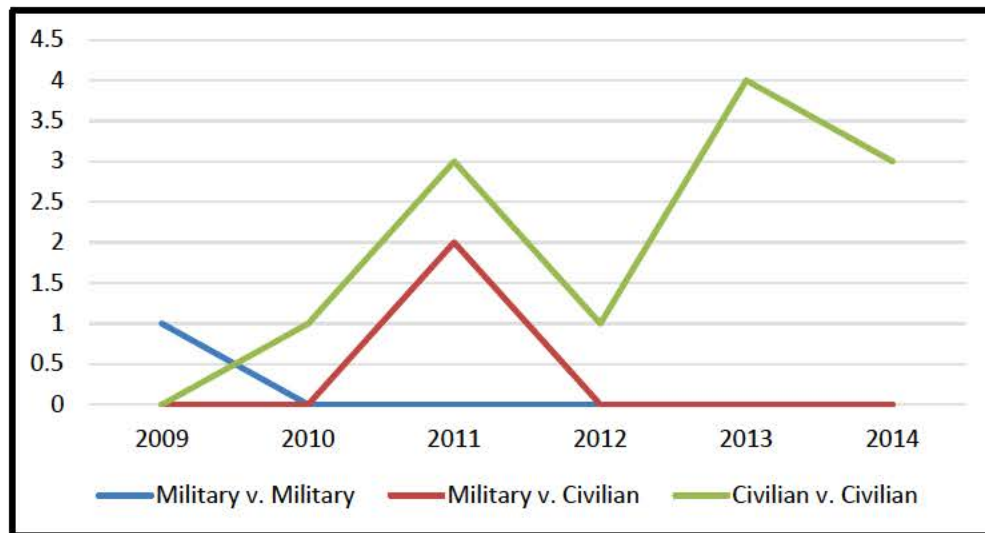


Figure 6. Skirmishes Related to Disputes in South China Sea According to Agencies Involved

Figure 6 indicates the trend that the South China Sea claimant countries increasingly employ their civilian maritime agencies in the disputed waters. There are increasing skirmishes between civilian maritime agencies, while there are tendencies of diminishing military direct involvement. Furthermore, although there was an attempt by China to move an oil rig to area in the 2014, the chart shows that skirmishes were

<sup>255</sup> "Vietnam Boat Sinks after Collision with Chinese Vessel," *BBC News*, last updated May 27, 2014, <http://www.bbc.com/news/world-asia-27583564>.

<sup>256</sup> "China Moves Vietnam Row Oil Rig," *BBC News*, last updated July 16, 2014, <http://www.bbc.com/news/world-asia-28322355>.

actually lower than previous period.<sup>257</sup> However, it is likely that the actual incidents are higher than listed above, because some of the clashes are not reported or downplayed.

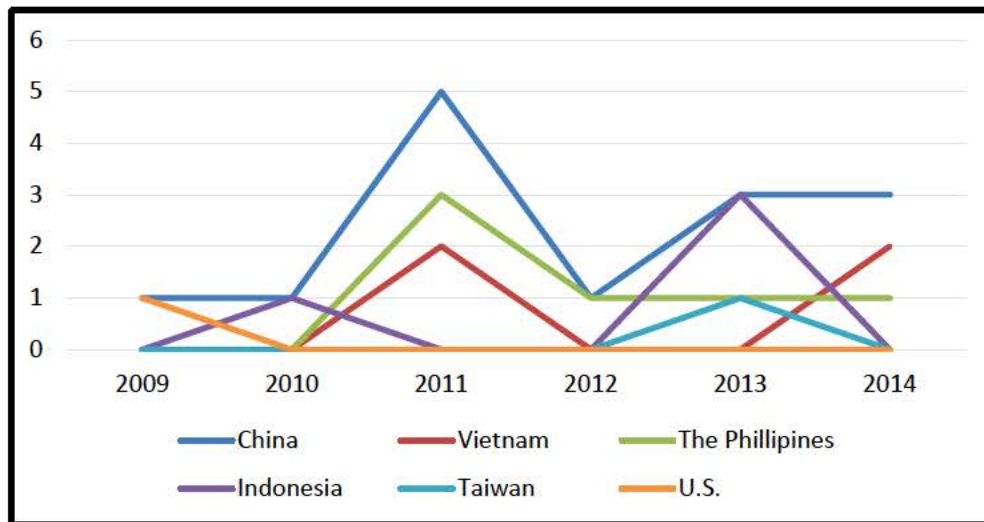


Figure 7. Skirmishes Related to Disputes in South China Sea According to Countries Involved

Figure 7 shows that Indonesia and the United States also get involved in the skirmishes. It means that the disputes are not only influenced the South China Sea claimant countries, but others are affected as well. It is also interesting to note that Malaysia and Brunei, at least after the signing of DoC in 2002, Table 5 shows that both countries never engaged other claimants by their maritime forces in the South China Sea. The relatively farther distance of both countries to China than to the Philippines and Vietnam may contribute to this fact. Nevertheless, there are more skirmishes that involving China, the Philippines, and Vietnam than other countries. Unsurprisingly, being the most active in asserting its claim in the South China Sea, China is contributed to the most clashes.

<sup>257</sup> Ibid.

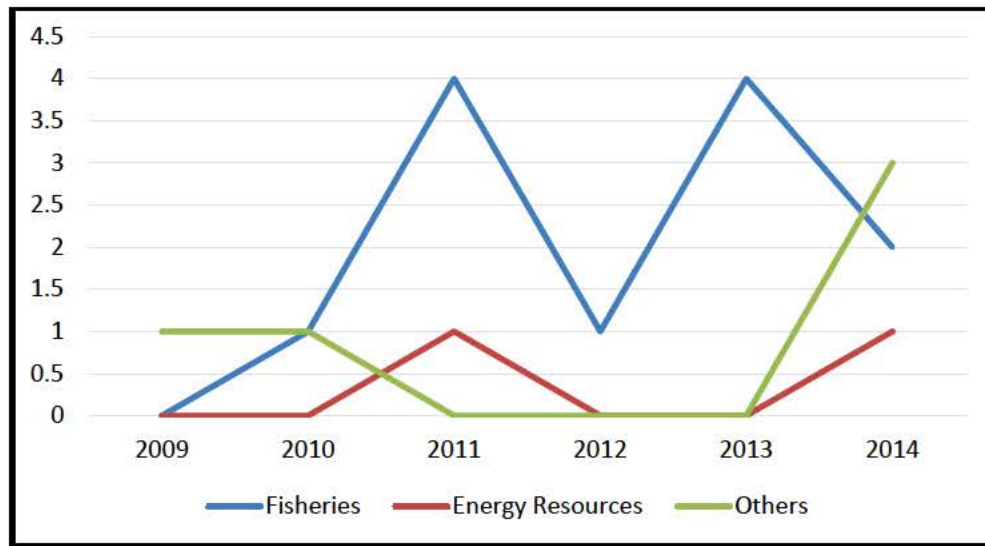


Figure 8. Skirmishes Related to Disputes in South China Sea According to Reasons

Figure 8 reveals that most of the skirmishes are related to fisheries. Petroleum companies tend to avoid the disputed areas in the South China Sea; except for a brief moment when China tried to bring its oil rig in the disputed areas with Vietnam in 2014.<sup>258</sup> However, the need to find new source of food is more pressing than the oil and gas, given the regional growth of population and overfishing in littoral countries.

The increasing trend of various civilian maritime agencies employment in the South China Sea actually works as a preventive measure to avoid a direct military to military engagement. However, with little coordination and control over those agencies, it may be counterproductive in reality and sparks more incidents.

#### D. CASE STUDIES

From all the chronological incidents in the South China Sea listed in the Table 5, two major incidents—the Scarborough Reef in 2012 and Paracel Oil rig standoff in 2014—will be explained further in this section. Both incidents show the increasing employment of the civilian maritime agencies by claimant countries on asserting their maritime claim, replacing the Navy in the forefront. The actual intentions to employ the

<sup>258</sup> Ibid.

civilian maritime agencies are to avoid escalation by displaying benign posture and to downplay the disputes as domestic maritime law enforcements matters only. However, over reliance on those agencies may backfire because of factors explained in the Chapter II: there is limited cooperation between respective country's civilian and military maritime agencies. If the situation escalates because of the civilian maritime agencies' aggressive action, navies may intervene and the situation will likely escalate even more.

### **1. The Scarborough Reef Standoff in 2012**

The Scarborough Reef (known as Panatag Reef or Shoal to the Philippines, see Figure 9) is located around 100 nautical miles from Luzon, Philippine. It is claimed by China, the Philippines, and Taiwan (since Taiwan and China claim are identical). On April 8, 2012, the Philippine Navy (PN) new flagship, BRP *Gregorio del Pilar*, was deployed in the area. The ship encountered eight China flagged fishing boats in the area that claimed by the Philippines. The PN ship then tried to apprehend the fishermen and their boats, however, two "China Marine Surveillance Vessels (CMS) *Zhonggou Haijian 75* and *Zhonggou Haijian 84*" arrived at the scene and interfere. China's civilian maritime agency ships positioned themselves between the PN frigate and the fishing boats in order to prevent capture of the latter. Unable to exercise more action, there was a stalemate. Both sides still insisted on their own rights over Scarborough Reef. While the government of China protested to the Philippines authority regarding the PN threat to their fishermen in the area claimed by China, another CMS vessel came to the area and make situation tenser. The standoff ended when the PN frigate leave the area and return to base for replenishment. Later, a Philippine Coast Guard (PCG) ship was sent to replace the PN ship.<sup>259</sup>

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<sup>259</sup> "Navy, Philippines," *Jane's Sentinel Security Assessment - Southeast Asia*, last update September 1, 2014, 4, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305082>.



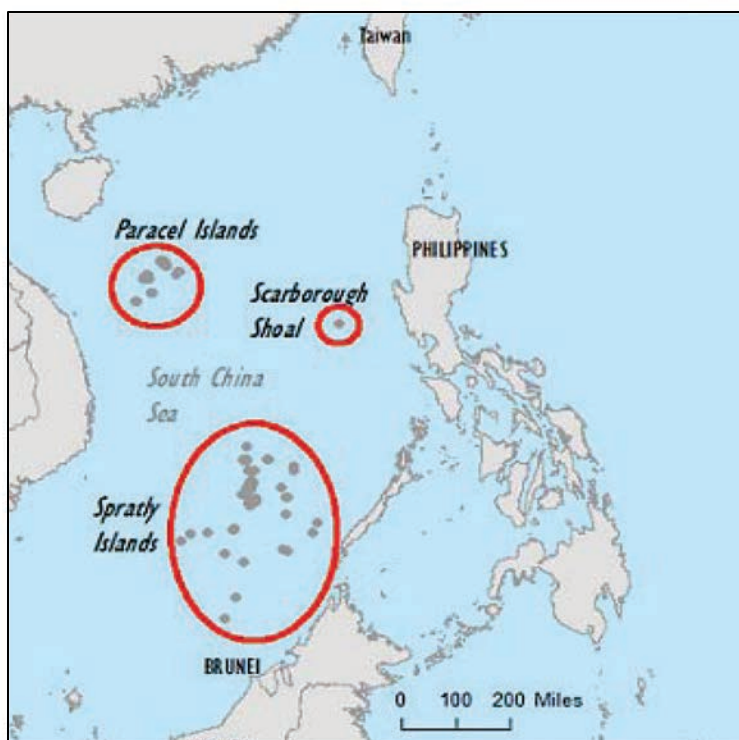


Figure 9. The Scarborough Reef<sup>260</sup>

Although the China CMS vessels are under civilian agencies, the Philippines later accused China of escalating the situation by sending more ships. However, by employing civilian ships instead of those belonging to the PLAN, according to Trefor Moss, China managed to avoid being seen as bullying smaller countries.<sup>261</sup> During the standoff, there were no PLAN ships seen in the vicinity. The situation may have had a different results if both countries had deployed their naval vessels to the area. It is still not clear what would have happened if the PN ship had continued with its intention to seize the Chinese fishermen and their boat; what the CMS ships would do and whether the PLAN would called to the scene. The Philippine decision to withdraw its naval vessel and send a coast guard vessel can also be seen as an attempt to deescalate the situation. Nevertheless,

<sup>260</sup> O'Rourke, "Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress," 3.

<sup>261</sup> Trefor Moss, "China's other navies," *Jane's Defence Weekly* 40, Issue 28 (July 11, 2012), 29; Martinson, "Power to the Provinces," 28.

some analysts suggest that it may not have been the real reason for withdrawing the ship, because they noticed that the PN ship likely had technical problems.<sup>262</sup>

## **2. The Oil Rig Incident in 2014**

On May 5, 2014, Vietnam claimed that the China's National Offshore Oil Corporation (CNOOC) oilrig was within its EEZ (see Figure 10).<sup>263</sup> Around 80 ships, comprised of navy and civilian maritime agencies vessels, as well as fishing boats, escorted China's oilrig, according to Vietnamese media.<sup>264</sup> Vietnam filed protests to China about the incident and fierce demonstrations erupted, calling for tougher government stance against China's claim and resulting in fatalities of some Chinese national reside in Vietnam.<sup>265</sup> At sea, the situation was also tense. Vietnam tried to hamper the oilrig with any means, utilizing the Vietnam Coast Guard (VCG) and fishing boats.<sup>266</sup> As China resorted to the same tactics, there were numerous incidents of ramming, hitting, and exchanging of water cannon spray by both sides, resulting in at least one Vietnamese fishing vessel being sunk.<sup>267</sup> The incident ended when China withdrew its oilrig toward Hainan Island, reasoning that the oil rig's main mission to discover oil and gas has been accomplished.<sup>268</sup>

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<sup>262</sup> "Navy, Philippines," *Jane's Sentinel Security Assessment–Southeast Asia*, Ibid.

<sup>263</sup> Ridzwan Rahmat, "China and Vietnam square off in SCS over oil rig," *Jane's Defense Weekly* 51, Issue 20 (May 14, 2014), 16.

<sup>264</sup> "Navy, Vietnam," *Jane's Sentinel Security Assessment–Southeast Asia*, last posted October 8, 2014, 4, <https://janes.ihs.com.libproxy.nps.edu/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305175>.

<sup>265</sup> Hodal and Kaiman, "At least 21 dead in Vietnam anti-China protests over oil rig."

<sup>266</sup> Rahmat, "China and Vietnam square off in SCS over oil rig."

<sup>267</sup> Ibid.; "Vietnam boat sinks after collision with Chinese vessel."

<sup>268</sup> "China moves Vietnam row oil rig."

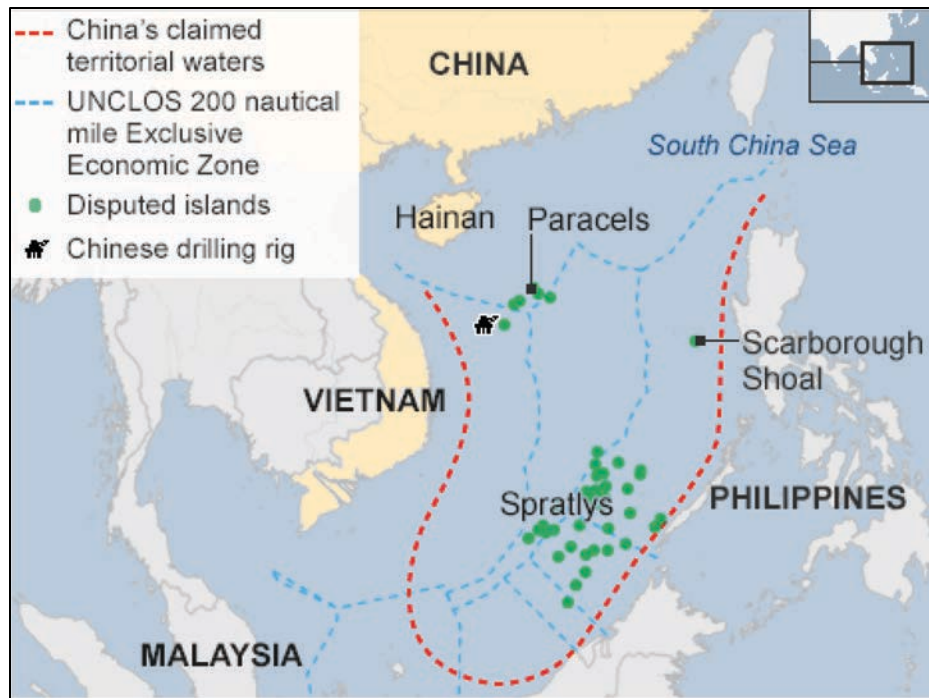


Figure 10. The Oilrig Incident<sup>269</sup>

These incidents showed the employment of the civilian maritime assets by both China and Vietnam, not only the law enforcement agencies but also involving fishing boats. However, unlike the Scarborough Reef standoff where there were no PLAN ships around, in this case, the Navy ships did accompany the oilrig. Although the PLAN was never involved in the skirmishes, its presence indicates the preparation for escalation and also served as a deterrent. It reveals China's concept of a layering strategy: the PLAN ships lay in the core, the civilian maritime agencies vessels stay in the next layer, and non-government boats are positioned in the periphery.

#### **E. EFFORTS TO MANAGE THE CONFLICT**

Recognizing the seriousness of the South China Sea disputes to the stability of the region, the ASEAN has been advocating a peaceful resolution for all parties involved. However, it is a delicate situation for ASEAN to maintain its neutrality and avoid conflicts of interest, because Brunei, Malaysia, the Philippines, and Vietnam all have

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<sup>269</sup> Ibid.

claims over the South China Sea and are members of the organization too. No wonder China was very reluctant to resolve the disputes with ASEAN in the 1990s and favored bilateral discussion instead.<sup>270</sup> In doing so, China hopes to avoid other claimant countries consolidating against it. It is also important to note that Taiwan is never included in the discussions with other claimant countries. Despite all the difficulties, ASEAN and China have reached some agreements regarding maritime security issues that include the South China Sea problems. This is evidence that all parties see the importance of peaceful resolution and there is still hope for negotiations. The ASEAN Regional Forum (ARF) is a specific forum that discusses the security issues in the region, including the South China Sea disputes, among ASEAN members and its dialogue partners. One of its accomplishments is the signing of DoC, which includes all parties in the South China Sea disputes, except Taiwan, in 2002 after a series of negotiations. Although the document states explicitly that it is not legally binding, the DoC is a step forward into more cooperation in the future to solve the South China Sea disputes.

The more binding document, the Code of Conduct in the South China Sea (CoC) is currently under negotiation; however, China still has some objections to the draft.<sup>271</sup> The reason for this is not very clear, but China may try to negotiate when it already has stronger stance in the South China Sea, as demonstrates in the buildup of artificial islands in Spratly.<sup>272</sup> On the ASEAN side, there is a lot work to increase the organization cohesiveness regarding the CoC issue. In this view, the implementation of the ASEAN Community 2015 will have a good opportunity to foster the relationship among members of the organization. One of its pillars, the ASEAN Political Security Community (APSC) is promoting “peace and stability in the region, ... cooperation under the TAC, ... full implementation of the DOC for peace and stability in the South China Sea, ... [and] Maritime Cooperation.”<sup>273</sup> In order to develop a successful cooperation, the ARF has

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<sup>270</sup> Stein Tønnesson, “The History of the Dispute,” *War or Peace in the South China Sea?* ed., Timo Kivimäki (Copenhagen: NIAS Press, 2002), 19.

<sup>271</sup> O’Rourke, “Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China),” 10–11.

<sup>272</sup> Hardy and O’Connor, “China build another island in SCS,” Ibid.

<sup>273</sup> *Roadmap for an ASEAN Community 2009–2015* (Jakarta: ASEAN Secretariat, April 2009), 10–11, <http://www.asean.org/images/2012/publications/RoadmapASEANCommunity.pdf>.



been working in a slowly but steady pace. Starting from the comfort level of all parties, the form of cooperation in the maritime security is the one that directly benefits the members, such as Humanitarian Assistance/ Disaster Relief (HA/DR). Typhoon Haiyan, which hit the Philippines in 2013, highlighted the actual and common threat to countries in the region; during the relief effort a lot of countries send their support to the Philippines government, including parties of the South China Sea disputes.<sup>274</sup> This tragic event demonstrates the importance of stronger cooperation among all countries in the region.

## **F. CONCLUSION**

The importance of the South China Sea as a strategic shipping lane has been increasing due to the economic growth in the Asia-Pacific region. Shipping volume traversing the area has increased. The South China Sea also has abundant natural resources to fulfill the region's rising demand of energy and food. With the claimant countries' growing urgency to secure their claim in the South China Sea, it is likely that the probability of clashes has increased in the future. Although the South China Sea claimant countries have clashes with each other, the close proximity of the Philippines and Vietnam to China has contributed the greatest number of clashes. After the signing of DoC in 2002, the empirical data of the skirmishes in the South China Sea shows that the claimant countries tend to decrease the use of their military forces and increase the use of civilian maritime agency in the disputed areas.

The 2012 Scarborough Reef and 2014 Paracel Oilrig incidents demonstrated that there are problems in the effectiveness of civilian and military maritime agency cooperation in the countries involved. Overall, Vietnam has more effective civilian and military maritime agency cooperation than the Philippines. During the 2012 Scarborough Reef standoff, the Philippines employed the PN ship instead of the PCG because there were inadequate resources available to assert the country's maritime claim. While the PN frigate was better overall to do the job than the PCG ships, there was higher probability

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<sup>274</sup> "Typhoon Haiyan: Aid in numbers," BBC, last updated November 14, 2013, <http://www.bbc.com/news/world-asia-pacific-24899006>.

of conflict if China had responded by sending the PLAN ships. On the other hand, throughout the 2014 Paracel Oilrig incidents, both Vietnam and China employed their civilian maritime agency and fishing boats in the forefront, and their navies in the vicinity. While the intention was to reduce the possibility of escalation, Vietnam had difficulties communicating with their own ships in the area to coordinate their action. Therefore, over reliance on the civilian maritime agency may also escalate the incidents between claimant countries in the disputed areas in the South China Sea.

## **V. CONCLUSION AND THE WAY AHEAD**

### **A. CONCLUSION**

There have been numerous high profile diplomatic talks among leaders in the region—both the claimant and non-claimant countries—to resolve the South China Sea disputes peacefully. However, because there are differences among the South China Sea claimant countries regarding the legal basis and national approach to the their claim, it seems that further negotiation from the Declaration on the Conduct of Parties in the South China Sea (DoC) is still difficult. To make matters worse, even if the leaders from the claimant countries have agreed to a peaceful resolution in the South China Sea such as the DoC, the reality seems different in the disputed areas. There are continuing skirmishes among claimant countries' military and/or civilian maritime agencies in the South China Sea.

Since the South China Sea is also an important waterway for regional and international shipping, any escalation in the disputed waters would affect other countries in the region as well. In the highly militarized disputed areas such as the South China Sea, any skirmishes may escalate into unintentional open conflict among the claimant countries. The possible conflict may become even worse by dragging other countries into the hostilities, especially for those who have a defense agreement with the claimant countries of the South China Sea. Malaysia, one of the claimant countries, is part of the Five Power Defence Arrangement (FPDA), a defense cooperation that also consists of Australia, New Zealand, Singapore, and the United Kingdom. Another claimant, the Philippines, has a defense treaty with the United States. Further likely effects to non-claimant countries in the region are—but limited to—the rising price of shipping insurance, the increasing cost of shipping due to longer routes in order to avoid the conflict zone, and other economy consequences.

Focusing on the reasons for persistent incidents rather than legal issues of who the legitimate owners of the disputed waters are, this thesis reveals that there are similar problems among the claimant countries. Both the Philippines and Vietnam, countries

compared in this thesis, share the same problems in their civilian and military cooperation in the maritime realm. It turns out that there is a mix of military and civilian maritime agencies deployed in the South China Sea in order to assert the respective countries' claims over the area. In general, there is a lack of coordination and cooperation between the military and civilian maritime agencies in each country, let alone among the claimant countries. In addition, although not a focus in this thesis, China is included in the comparison because of its close proximity to the Philippines and Vietnam and assertiveness to the South China Sea claim. China is also in the forefront of employing civilian maritime agencies in the disputed waters in the South China Sea, compared to other claimant countries.

This thesis's comparison of the effectiveness of the cooperation of the military and civilian maritime agencies reveals that there are common problems in all three of its components: plan; interagency institutions, structure, and process; and resources. First, there are inadequate plans regarding the cooperation of the military and civilian maritime agencies in each of three countries discussed. Most of the doctrines, regulations, white papers, and other documents are institution-centric and do not provide enough measures to indicate how the cooperation of the military and civilian maritime agencies should be performed. However, the root of this problem varies. The Philippines tends to have over optimistic plans with very limited resources available to implement it. On the other hand, since in Vietnam the military still dominates many of the non-military aspects, the roles of the civilian agencies are minimal. In China, the problem arises mainly from the various civilian maritime agencies—the Maritime Law Enforcement Agencies (MLEs)—that operate under different authorities stretching from the central government to the coastal provinces, rather than the military and civilian maritime agency cooperation per se.

Second, there is an insufficient level of cooperation among military and civilian maritime agencies in all of the three countries. Theoretically, cooperation can still exist among agencies even if there is no adequate plan available to become a guide. However, facing the limitation of available resources, the Philippine Navy (PN) still dominates the maritime security operations in the Philippines. In many cases, other maritime agencies have to rely on the PN in performing their own roles. In Vietnam, the fact that the

Vietnam Coast Guard (VCG) is still under the Ministry of National Defense (MND) actually provides better cooperation among the military and civilian maritime agencies than the Philippines, although the Vietnam People's Navy (VPN) seems more dominant than its civilian counterparts do. In addition, given the influence of the military in Vietnam, it is likely that the vessels under the Directorate of Fisheries operate under the control of the VPN to some degree. In contrast, China employs almost exclusively its MLEs in the South China Sea, with the People's Liberation Army Navy (PLAN) monitoring from the distance. The 2014 oil rig incident revealed to the international public the layered strategy adopted by the Chinese; the PLAN at the rear nearby to the oilrig, the MLEs stationed in the outer layer, and fishing boats at the forefront. The main problems for the China are integrating its various MLEs into an effective maritime force and eliminating rivalries among themselves.

Third, regarding the resources category, it seems that the Philippines' inadequate funding for its maritime security may impede further effective military and civilian maritime cooperation. The implication is that the Philippines will likely internationalize the South China Sea disputes—which will irritate China more and make difficult the negotiation of the further implementation of the DoC. In contrast, Vietnam's civilian maritime agencies received more funds than the Navy in developing their capabilities. The VCG is rapidly expanding its assets and it is likely that it will become operationally independent from the VPN in the near future. This implies that Vietnam may employ more of its civilian maritime agencies in the South China Sea in dealing with the China's MLEs. The Chinese MLEs, on the other hand, are likely to be more independent from the PLAN's support. The growing MLEs are not only surpassing other claimant countries in number, but also in the size of vessels. Although Chinese MLE ships are lightly armed or unarmed, their bigger size means that those vessels have more endurance. China will likely continue its current practice in employing MLEs in the disputed waters of the South China Sea.

The empirical data reveals the trend of the decreasing military forces involvement in the clashes in the South China Sea and the increasing contribution of the civilian maritime agency in skirmishes in the disputed areas. With the growing need for the

alternative sources of energy and food, there is a rising pressure for the claimant countries to secure their claim in the South China Sea. This situation will likely to increase the probability of clashes in the future and may escalate into conflict. Since China, the Philippines, and Vietnam have contributed to most of clashes, the probabilities of escalation are higher for those three countries. The 2012 Scarborough Reef and 2014 Paracel Oilrig incidents showed the challenges faced by the countries involved in the incidents in conducting effective civilian and military maritime agency cooperation. In both cases, while there were some attempts to reduce the possibility of escalation by employing civilian maritime agencies, the results were lessened by each country's ineffectiveness in coordinating its own multi maritime agencies. Thus, over reliance on the civilian maritime agency may have negative effect for the de-escalation efforts. Therefore, there is a need to address the issues of civilian and military maritime agency cooperation in each country discussed in order to lower the probability of conflict among the South China Sea claimant countries. In other words, until civil–military relations are improved domestically, conflict will, admittedly, continue to threaten the South China Sea.

At the international level, surprisingly, no military and civilian maritime agencies cooperation exists. Although there is some maritime multinational cooperation in the Asia-Pacific region, they are limited in the membership and scope. The Western Pacific Naval Symposium (WPNS), the biggest maritime cooperation in the region with 21 members and 5 observers, is limited its membership to navy only. Although the WPNS has been done well with the Code for Unplanned Encounters at Sea (CUES), a set of guidelines for members of the organization to prevent incidents at sea, the document does not include the civilian maritime agencies and it only applies on the high seas. The formal organization of the Southeast Asia countries, the Association of Southeast Asian Nations (ASEAN), has been working to reduce the tension in the South China Sea and resolve the disputes peacefully. However, because some of the South China Sea claimant countries—Brunei, Malaysia, the Philippines, and Vietnam—are also ASEAN members, the impartiality of the organization is often under question. Currently, there are two forms of security cooperation under the ASEAN: the ASEAN Defense Ministers Meeting

(ADMM), as well as the ADMM Plus, which includes eight ASEAN dialogue partners, and the ASEAN Regional Forum (ARF). The South China Sea issues have become one of the topic of discussions in those organizations meetings. While the ADMM Plus covers wide ranging defense and security cooperation, to date the organization has focused more on the counter terrorism cooperation among member countries. On the other hand, while the ARF interest encompassing a wide ranging security-related topics from the Humanitarian Assistance and Disaster Relief (HA/DR) to cyber security, the level of cooperation has just been expanded from meetings and workshops into HA/DR themed exercises. Looking at the ASEAN's practice of conducting diplomacy, it is likely that those organizations seek to work from the comfort level where all the parties agree to collaborate and gradually increase the level of cooperation. Consequently, it may take some time before every claimant country is willing to include the South China Sea cooperation in the agenda. Other cooperation, such as the North Pacific Coast Guard Forum (NPCGF) and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) are multinational civilian maritime agencies cooperation. Furthermore, their cooperation is limited to the maritime security and safety only.

Although there are various initial motives for claiming land features and waters surrounding them, there is a growing tendency to control the South China Sea because of its resources. The regional economy and population—including the claimant countries—lead to the increasing need for energy and food sources, all available in the South China Sea abundantly. Analysis on the South China Sea skirmishes after the DoC signing in 2002 shows that most incidents are related to the disputes over resources: fisheries and energy. Interestingly, the clashes are not limited only to the claimant countries, but to others as well. It may indicate the increasing desperation of the claimant countries to secure their resources from the South China Sea. The analysis also reveals that civilian maritime agencies are involved in most of the clashes, compared to a common perception of the military-to-military clashes in the South China Sea disputed area. It indicates that actually more countries are willing to lower the probability of escalation by employing their civilian maritime agencies instead of the military. However, over reliance and

aggressive use of those civilian maritime agencies may provoke escalation of the disputes.

## **B. THE WAY AHEAD**

This thesis has identified that ineffective military and civilian maritime agencies cooperation—domestically and internationally—contributes to the persistent clashes among claimant country maritime agencies in the South China Sea disputed area. It would be easier to resolve the problems now, because it will be more difficult in the future when all the claimant countries have more stakes in the disputed area, for example, when they begin to extract the hydrocarbon reserves and develop their garrison in the South China Sea. Contrary to other conflict resolutions that are based on the legal basis of each country's claims in the disputed area, promoting effective regional military and civilian maritime agencies cooperation to prevent the escalation may have a better chance. It should limit the cooperation into creating a new norm of de-escalation measures only, and avoid talking about the disputes itself. It is also preferable that all the claimant countries have major roles in the efforts.

Since there is very limited interaction among military and civilian maritime agencies in current maritime security-related organizations, there is a need to incorporate all maritime stakeholders—both the military and civilian agencies—in one multilateral forum. The level of interaction may increase gradually but in steady steps based on the comfort level of all participants. Those interactions may be in various forms, such as seminars, workshops, personnel exchanges, exercises, sport activities, and so on. The intention is to promote cooperation and confidence building measures among military and civilian maritime agencies in the multilateral forum. In due course, the military and civilian maritime agencies multilateral cooperation forum would influence individual countries in addressing their own domestic cooperation problems. Eventually, the multilateral forum may possibly adopt the CUES style document in preventing incidents at sea among their maritime assets. Yet, what kind of forum this will be and how to bring all maritime stakeholders in the multilateral cooperation are beyond the scope of this thesis, and will therefore require further investigation.



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